



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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**CRM-M No.25869 of 2026
Date of decision : 13.5.2026
Date of uploading : 13.5.2026**

Sumit Kumar

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Dr. Rishi Pal Singh, Advocate and
Mr. H.P. Singh, Advocate, for the petitioner

Mr. Gurmeet Singh, AAG, Haryana

SUMEET GOEL, J. (ORAL)

1. Present second petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the petitioner in case FIR No.91 dated 2.3.2026 under Sections 61(1)(a) of the Punjab Excise Act, 1914, 318(4) of BNS, 2023 (Sections 61(2), 336(3), 338, 340(2) of BNS and Section 4.20 of Excise Act added later on), registered at Police Station Sector 32-33, District Karnal.

2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

'To station House officer Police Station Sector 32-33. Jai Hind today my self PSI along with constable 153/KNL and constable Vijay 1221/KNL by using the private vehicle for patrolling the crime in the area of Rada



Swami Bhawan, Sector 33, Karnal, when a special informer came and gave secret information to the PS: that near the Treatment Plant, in an isolated place in the fields, a person. namely Raju, son of unknown, resident unknown fills cheap brand English liquor into empty bottles of expensive/big brands and sells them at high prices. This activity is currently ongoing at Raju's residence. If a raid is conducted at his house, a large quantity of illegally stored cheap liquor being filled into expensive brand empty bottles could be seized. Considering the informant's tip reliable, after briefing the accompanying staff, a raiding party was dispatched to the address. Upon reaching the location, the informant pointed toward the gate of the house and left. Acting on the signal, when the room on the right side of the main gate was checked, the following items were recovered 5 Patti Full Marka Black & White English liquor 6 Patti Full Marka of Vat 69 English liquor 2 Patti Full Marka of Valentines English liquor 1 separate open containing 6 bottles of English liquor Total: 13 Patti and 6 bottles of English liquor, along with 41 patti of empty bottles of various expensive English liquor brands, one cut plastic sheet containing caps and open bundles of various brand liquor bottles, plastic tape, a steel knife, and a foam mattress. Upon checking the kitchen adjacent to the room, the following were recovered: 16 Patti Full Marka of English liquor (All Season brand) 14 Patti Full Marka of English liquor (Royal Challenge brand) 1 Patti Full Marka of English liquor (Royal Stag brand) Total: 31 Patti Full Marka of English liquor recovered from the kitchen. Samples were drawn separately from each brand 1 bottle each from Black & White (5 Patti Full Marka), Vat 69 (6 Patti Full Marka), Valentines (2 Patti Full Marka + 6 bottles), All Season (16 Patti Full Marka), Royal Challenge (14 Patti Full Marka), and Royal Stag (1 Patti Full Marka). All samples were sealed with the PS/I's official seal. The remaining seized liquor cases and 5 leftover bottles were also separately sealed. The seized liquor was taken into police custody, and the plastic sheet containing a large quantity of caps of various brand English liquor bottles, an open bundle of plastic tape, a steel knife, and a foam mattress were taken into police custody as material evidence through a separate seizure memo, on which the witnesses signed. Since the accused Raju, son of unknown, resident unknown, was found fraudulently filling cheap brand English liquor into empty bottles of expensive brands and selling them to people at high prices thus committing cheating he was arrested on the spot



and now I am busy in another investigation and information is sent to the police station through constable Amit Kumar 153/KNL. Sd/- PSI Niranjana Police Station sector 32-33 Karnal, 02.03.2026.'

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 11.3.2026. Learned counsel has further argued that the petitioner has been falsely implicated into the FIR in question. Learned counsel has further submitted that, assuming *arguendo*, the prosecution version available at this juncture reflects that mis-branded/spurious whisky/liquor was recovered from the premises, do not belonged to the petitioner. Learned counsel has further submitted that the petitioner is a man aged about 45 years with clean antecedents and the sole bread earner of his family. Thus, regular bail is prayed for.

4. Learned State counsel has opposed the present petition by arguing that the allegations raised are serious in nature and thus the petitioner does not deserve the concession of the regular bail. Learned State counsel seeks to place on record custody certificate dated 12.5.2026 in Court, which is taken on record.

5. I have heard counsel for the parties and have gone through the available records of the case.

6. The petitioner was arrested on 11.3.2026 and is in continuous custody since then. Culmination of investigation and conclusion of the trial, if the case so arises, will indubitably take long. It is not the case before this Court that the whisky/liquor recovered into the FIR is spurious in nature. The allegation appears to be regarding the whisky/liquor qua the FIR in question, is mis-branded one. The rival contentions raised at



Bar give rise to debatable issues which shall be ratiocinated upon during the course of trial. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage, lest it may prejudice the trial. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence.

6.1 As per custody certificate dated 12.5.2026 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 2 months and 01 days & is not shown to be involved in any other case.

6.2 Indubitably, the present petition is the 2nd attempt by the petitioner to secure regular bail. The last bail plea preferred by the petitioner was dismissed as withdrawn on 4.5.2026. Keeping in view the entirety of the factual *milieu* of the case in hand, especially extended incarceration of the petitioner and no substantial progress in trial, this Court is inclined to favourably consider the instant plea for bail. A profitable reference, in this regard, can be made to a judgment of this Court passed in ***CRA-S-2332-2023*** titled as ***Rafiq Khan versus State of Haryana and another***; relevant whereof reads as under:

“10. As an epilogue to the above discussion, the following principles emerge:

I. Second/successive regular bail petition(s) filed is maintainable in law & hence such petition ought not to be rejected solely on the ground of maintainability thereof.

II. Such second/successive regular bail petition(s) is maintainable whether earlier petition was dismissed as withdrawn/dismissed as not pressed/dismissed for non-prosecution or earlier petition was dismissed on merits.

III. For the second/successive regular bail petition(s) to succeed, the petitioner/applicant shall be essentially/pertinently required to show substantial change in circumstances and showing of a mere superficial or ostensible change would not suffice. The metaphoric expression of seeking second/successive



bail plea(s) ought not be abstracted into literal iterations of petition(s) without substantial, effective and consequential change in circumstances.

IV. No exhaustive guidelines can possibly be laid down as to what would constitute substantial change in circumstances as every case has its own unique facts/circumstance. Making such an attempt is nothing but an utopian endeavour. Ergo, this issue is best left to the judicial wisdom and discretion of the Court dealing with such second/successive regular bail petition(s).

V. In case a Court chooses to grant second/successive regular bail petition(s), cogent and lucid reasons are pertinently required to be recorded for granting such plea despite such a plea being second/successive petition(s). In other words, the cause for a Court having successfully countenanced/entertained such second/successive petition(s) ought to be readily and clearly decipherable from the said order passed.”

Suffice to say, further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the case.

7. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:-

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any, with the trial Court.
- (vi) The petitioner shall give his cell-phone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaq Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.

8. In case of breach of any of the aforesaid conditions and those



which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.

9. In case the whisky/liquor recovered into the FIR in question is found to be spurious, the concerned SP shall be under obligation to file an appropriate application seeking cancellation of the bail granted to the petitioner. In case the concerned SP does not do so, the severe consequences might entail.

10. Ordered accordingly.

11. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

(SUMEET GOEL)
JUDGE

13.5.2026
Ashwani

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No