IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CNR No: PHHC011459332026
2026:PHHC:127844

CRM-M-49771 of 2026 (O&M)
231 Date of Decision: 10.09.2026

Mustak

..Petitioner

Versus

State of Punjab

..Respondent

Sr. No.	Particular	
1.	The date when the judgment is reserved	09.09.2026
2.	The date when the judgment is pronounced	10.09.2026
3.	The date when the judgment is uploaded on the website	10.09.2026
4.	Whether only operative part of the judgment is pronounced or full judgment is pronounced	Full
5.	The delay, if any, of the pronouncement of full judgment and reasons thereof	Not applicable.

CORAM: HON'BLE MS. JUSTICE SHALINI SINGH NAGPAL

Argued by: Mr. Sarfaraj Anjum Mor, Advocate
for the petitioner.

Mr. Akash Yadav, AAG Punjab.

SHALINI SINGH NAGPAL, J.

1. Petitioner seeks regular bail in case vide FIR No.0074, dated 18.03.2026, under sections 123, 275 of BNS and Section 7 of Essential Commodities Act, Police Station Patran, District Patiala. This is second petition for regular bail. First petition was dismissed as withdrawn on 18.05.2026.

2. It is alleged that on 18.03.2026, when SI Kuldeep Singh along with other police officials were present near Narwana-Patran Bypass Bridge, information was received that Mustak son of Naseeb Khan and Sabbir

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Hussain son of Zafaruddin, were coming towards Patran in vehicle No. DL1ILAF0278, Mahindra Bolero Pickup CNG, carrying adulterated, fake and dangerous cheese (Paneer) for sale. Upon the information, the petitioner was apprehended carrying 5 quintal 9 kg adulterated cheese (paneer).

3. Learned counsel for the petitioner submits that petitioner was only driver of the vehicle from which cheese (paneer) was recovered. He had no *mens-rea* to commit the offence and was falsely implicated. The main offender, namely Sabbir was exonerated by the police during investigation. No investigation was done to trace the manufacturer of the Paneer. He further submits that the offence under Section 123 BNS was not attracted as the paneer/cheese was neither administered to any person nor consumed. Necessary ingredients of the offence under Section 275 BNS were also not made out, as petitioner neither sold nor offered nor exposed for sale the paneer, nor he had reason to believe that the paneer was noxious. Petitioner was in custody w.e.f. 18.03.2026. Investigation of the case was complete. Petitioner, thus, deserves to be enlarged on bail.

4. Learned State counsel opposes the prayer for regular bail submitting that petitioner was found in possession of more than 5 quintals of adulterated cheese (paneer), which was declared unsafe, on analysis by Food Laboratory, Punjab. Considering the serious consequence of offence, petitioner did not deserve the concession of regular bail.

5. The first petition for regular bail filed by the petitioner was dismissed as withdrawn on 18.05.2026. Thereafter, the period of custody undergone can be regarded as a substantial change in circumstance

6. Petitioner is in custody in the case w.e.f. 18.03.2026. Investigation of the case is complete. Petitioner has a fixed abode. There is

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no apprehension expressed that in the event of release on bail, he would evade the process of law or flee from justice. All witnesses proposed to be examined in the case are official ones, therefore, there can be no occasion for the petitioner to tamper with evidence. Although, it is for learned Trial Court to determine at the appropriate stage of the case, whether the essentials of the offences under Section 275 BNS and 123 BNS are made out, petitioner, who was allegedly found transporting the adulterated cheese/panner, deserves bail, considering the period of custody, the factum of completion of investigation and his clean antecedents.

7. Without commenting on the merits of the case, petitioner is ordered to be released on regular bail subject to his furnishing adequate bail and surety bonds to the satisfaction of trial Court/Duty Magistrate.

All the pending miscellaneous applications, if any, stand disposed of.

(SHALINI SINGH NAGPAL)
JUDGE

10.09.2026
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Whether speaking/reasoned : Yes
Whether reportable : No

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