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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 518 of 2026

Narottam Rautiya S/o Banmali Rautiya Aged About 42 Years R/o Village Jagdishpur, P.S. Basna, District : Mahasamund, Chhattisgarh

... Applicant

versus

State of Chhattisgarh Through - Station House Officer, Police Station Basna, District : Mahasamund, Chhattisgarh

... Non-applicant

For Applicant	: Mr. Sudhir Kumar Sahu, Advocate.
For Non-applicant/State	: Ms. Ankita Shukla, Panel Lawyer.

Hon'ble Shri Ramesh Sinha, Chief Justice

Order on Board

16.03.2026

1. The applicant has preferred this First Bail Application under Section 483 of the Bhartiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail, as he has been arrested in connection with Crime No. 525/2025, registered at Police Station Basna, District – Mahasamund (C.G.) for the offence punishable under Section 34(2) of the C.G. Excise Act.
2. The prosecution story, in brief, is that the police received secret information from an informant that on the date of the incident, 21.12.2025, an unknown person had kept illegal liquor in his motorcycle for the purpose of sale. Acting upon the said information, the police reached the spot and seized 12 litres of country-made liquor from the



place of the incident near Basna–Bilaigarh Road. The accused person could not produce any valid document regarding the seized liquor. Consequently, the police registered a case for the offence punishable under Section 34(2) of the Excise Act against the applicant.

3. It is argued by the learned counsel for the applicant that the applicant is falsely implicated in this case. He further submits that the present applicant has 02 criminal antecedents under the Excise Act, out of which one case has already been disposed of, while the other case is still pending consideration before the competent Court. He further submits that under Section 34(2) of the Excise Act, minimum punishment is one year and maximum punishment is three years, and the applicant is in jail since 21.12.2025, the trial is likely to take some time for its conclusion, therefore, he prays for grant of regular bail to the present applicant.
4. On the other hand, the learned State counsel opposes the bail application and submits that the charge-sheet has already been filed before the competent Court. He further submits that from the possession of the present applicant 12 litres of country-made liquor was seized, therefore, he is not entitled for grant of regular bail.
5. I have heard learned counsel for the parties and perused the case-diary.
6. Taking into consideration the facts and circumstances of the case, nature and gravity of allegation levelled against the applicant and the fact that the applicant has 02 criminal antecedents under the Excise Act, out of which one case has already been disposed of, while the other case is still pending and also considering the fact that the charge-sheet has been filed and he is in jail since 21.12.2025, conclusion of the trial is likely to take some time, therefore, I am inclined to grant regular bail to the present applicant.



7. Let applicant, **Narottam Rautiya**, involved in Crime No. 525/2025, registered at Police Station Basna, District – Mahasamund (C.G.) for the offence punishable under Section 34(2) of the C.G. Excise Act, be released on bail on furnishing **personal bond** with **two sureties** in the like sum to the satisfaction of the court concerned with the following conditions:-

(i) The applicant shall file an undertaking to the effect that he shall not seek any adjournment on the dates fixed for evidence when the witnesses are present in court. In case of default of this condition, it shall be open for the trial court to treat it as abuse of liberty of bail and pass orders in accordance with law.

(ii) The applicant shall remain present before the trial court on each date fixed, either personally or through his counsel. In case of his absence, without sufficient cause, the trial court may proceed against him under Section 269 of Bharatiya Nyaya Sanhita.

(iii) In case, the applicant misuses the liberty of bail during trial and in order to secure his presence, proclamation under Section 84 of BNSS. is issued and the applicant fails to appear before the court on the date fixed in such proclamation, then, the trial court shall initiate proceedings against him, in accordance with law, under Section 209 of the Bharatiya Nyaya Sanhita.

(iv) The applicant shall remain present, in person, before the trial court on the dates fixed for (i) opening of the case, (ii) framing of charge and (iii) recording of statement under Section 351 of BNSS. If in the opinion of the trial



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court absence of the applicant is deliberate or without sufficient cause, then it shall be open for the trial court to treat such default as abuse of liberty of bail and proceed against him in accordance with law.

8. Office is directed to provide a certified copy of this order to the trial Court concerned for necessary information and compliance forthwith.

**Sd/-
(Ramesh Sinha)
Chief Justice**

Abhishek