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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 624 of 2026

1 - Dharmendra Kumar S/o Bhagatram Kosle Aged About 28 Years,

2 - Mahendra Kumar S/o Bhagatram Kosle, Aged About 25 Years,

Both is R/o Ward No. 08, Village Bansivni, Police Station, Tahsil And District Mahasamund (C.G.)

... Applicants

versus

State Of Chhattisgarh Through Station House Officer, P.S. And District Mahasamund (C.G.)

... Respondent

For Applicants	: None.
For	: Ms. Sameeksha Gupta, PL.
Respondent/State	

Hon'ble Shri Ramesh Sinha, Chief Justice

Order on Board

23/02/2026

1. None appears nor is any representation made on behalf of the applicants to press this bail application when the case is called out.
2. It transpires from the record that the applicants are in jail since



21/12/2025. Hence, the Court proceeds to consider and hear the bail application of the applicants with the assistance of the State counsel.

3. The applicants have preferred this First Bail Application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail, as they have been arrested in connection with Crime No.523/2025, registered at Police Station Mahasamund, District Mahasamund (C.G.), for the offence punishable under Section 34(2) of C.G. Excise Act.
4. The case of the prosecution, in brief, that the police of Police Station Mahasamund, has registered a case U/s 34(2) of CG Excise Act against the applicants alleging that they have kept 70 Bulk Litres of country made Mahuwa liquor in their possession which has been seized and arrested them.
5. Learned counsel for the State opposes the bail application but admits that the charge-sheet has been filed against the applicants and the applicants have no criminal antecedents. She further submits that 70 Bulk Litres of country made Mahuwa liquor was seized from the joint possession of applicants, therefore, they are not entitled for grant of bail.
6. I have perused the case diary.
7. Taking into consideration the facts and circumstances of the case, nature and gravity of allegation levelled against the applicants, quantity of liquor seized and also considering the fact that the applicants have no criminal antecedent, charge-sheet has already been filed and they are in jail since 21/12/2025 and conclusion of the trial is likely to take some time, therefore I am inclined to grant bail to the applicants.



8. Accordingly, the bail application is allowed and it is directed that the Applicants- **Dharmendra Kumar & Mahendra Kumar**, involved in Crime No.523/2025, registered at Police Station Mahasamund, District Mahasamund (C.G.), for the offence punishable under Section 34(2) of C.G. Excise Act, be released on bail on each of them furnishing a **personal bond** with **two sureties** in the like sum to the satisfaction of the Court concerned with the following conditions:-

(i) The applicants shall file an undertaking to the effect that they 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 applicants shall remain present before the trial court on each date fixed, either personally or through their counsel. In case of their absence, without sufficient cause, the trial court may proceed against them under Section 269 of Bharatiya Nyaya Sanhita.

(iii) In case, the applicants misuses the liberty of bail during trial and in order to secure their 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 them, in accordance with law, under Section 209 of the Bharatiya Nyaya Sanhita.

(iv) The applicants shall remain present, in person, before the trial court on the dates fixed for (i) opening of



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the case, (ii) framing of charge and (iii) recording of statement under Section 351 of BNSS. If in the opinion of the trial court absence of the applicants 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 them in accordance with law.

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

Sd/-

(Ramesh Sinha)
Chief Justice