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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 759 of 2026

1. Kalu Ram @ Rahul S/o Vijay Kumar Aged About 21 Years R/o Maligori, P.S. And Distt. Balod (C.G.)
2. Santosh Kumar Tondon S/o Prabhulal Tondon Aged About 33 Years R/o Amapara, Behind The Rangmanch, P.S. And Distt. Balod (C.G.)

... Applicants

versus

State of Chhattisgarh Through Arakshi Kendra Balod, District Balod (C.G.)

... Non-applicant

For Applicants	:	Mr. Sudhanshu Kumar Singh, Advocate.
For Non-applicant/State	:	Ms. Palak Dwivedi, Panel Lawyer.

Hon'ble Mr. Ramesh Sinha, Chief Justice

Order on Board

21.01.2026

1. This is the first bail application filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to the applicants who have been arrested in connection with Crime No. 415/2025 registered at Police Station Arakshi Kendra Balod, District Balod (C.G.), for the offence punishable under Section 34(2) of the Chattigarh Excise Act.
2. As per the prosecution story, on the basis of information received from an informer, the police of Balod Police Station conducted a search on



02.10.2025 at the house of the applicants and the co-accused, situated at Village Malighori, within the jurisdiction of Balod Police Station. During the search, the police allegedly recovered 498 quarters of country-made plain liquor, each measuring 180 ml (pauwa), amounting to a total of 89.960 bulk litres, which was allegedly kept for the purpose of illegal sale. As no valid licence or document in respect of the seized liquor was produced, the same was seized by the police. Thereafter, the applicants and the co-accused were arrested.

3. Learned Counsel for the applicants submits that the present applicants have been falsely implicated in this case. He also submits that under Section 34(2) of the C.G. Excise Act, minimum punishment is one year and maximum punishment is three years and the present applicants have been in jail since 03.10.2025. He further submits that the other co-accused, namely, Khilesh Gautam has already been granted regular bail by this Court in MCRC No. 9301 of 2025 vide order dated 17.12.2025, therefore, the present applicants are also entitled to be grant of regular bail on the ground of parity.
4. On the other hand, learned counsel for the State, opposes the bail application and submit that the charge-sheet has been filed in the present case before the competent Court.
5. I have heard learned counsel appearing 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 present applicants and the fact that the charge-sheet has already been filed before the competent Court and they have been in jail since 03.10.2025. Also considering the fact that the co - accused, namely, Khilesh Gautam has already been



granted regular bail by this Court in MCRC No. 9301 of 2025 vide order dated 17.12.2025, therefore, this Court is of the view that the applicants are entitled to be released on bail in this case on the ground of parity.

7. Let the applicants – **Kalu Ram @ Rahul** and **Santosh Kumar Tondon**, involved in Crime No. 415/2025 registered at Police Station Arakshi Kendra Balod, District Balod (C.G.), for the offence punishable under Section 34(2) of the Chattigarh Excise Act, be released on bail on his furnishing a **personal bond** with **two sureties each** 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 misuse the liberty of bail during trial and in order to secure their presence, proclamation under Section 84 of BNSS. is issued and the applicants fail 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



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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 court absence of the applicants are 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.

8. 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**

Abhishek