



2026:CGHC:13824

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****MCRC No. 1396 of 2026**

Shambhu Yadav S/o Late Shyam Lal Yadav Aged About 35 Years R/o
Near Ahiran River, Kasaniya, Thana Katghota, Tahsil Katghora, District
Korba, Chhattisgarh.

... Applicant(s)**versus**

State Of Chhattisgarh Through Police Station Katghora, District Korba,
Chhattisgarh.

... Non-applicant(s)

For Applicant	: Mr. Aakash Aahuja, Advocate.
For Non-applicant/State	: Ms. Sameeksha Gupta, Panel Lawyer.

Hon'ble Shri Ramesh Sinha, Chief Justice**Order on Board****23.03.2026**

1. Learned counsel for the applicant submits that the defect pointed out by the Registry, regarding the non-filing of the correct certified copy of the bail rejection order, has now been duly cured and the correct certified copy has been filed along with a covering memo.
2. 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. 04/2026, registered at Police Station : Katghora, District- Korba

(C.G.) for the offence punishable under Section 34(1), 34(2) and 59(a) of the C.G. Excise Act.

- 3.** The case of the prosecution, in brief, is that on 04.01.2026, while the police party of Police Station Katghora was on routine patrolling duty, they received a credible information from an informant regarding illegal possession of country-made mahua liquor. Acting upon the said information, the police party immediately proceeded to the spot i.e., Jatga Mod, Kasniya Road, where the accused was found present. Upon search, a total of 30 liters of illicit/raw mahua liquor was recovered from the possession of the accused in the presence of independent witnesses. On being questioned, the accused disclosed his name as Shambhu Yadav, S/o Late Shyamlal Yadav. Thereafter, a notice under Section 94 of the BNSS was served upon the accused, requiring him to produce valid documents or license for possession of the said liquor, however, the accused failed to produce any lawful authority. Consequently, the seized liquor was confiscated in accordance with law and the accused was arrested and sent to judicial custody under the relevant provisions of the Excise Act. After completion of investigation, the charge-sheet has been filed before the competent Court.
- 4.** Learned counsel for the applicant submits that the applicant has been falsely implicated in this case and the said liquor was not seized from the exclusive possession of the applicant. He further submits that under Section 34(2) of the C.G. Excise Act, minimum

punishment is one year and maximum punishment is three years. He further submits that in the present case, charge-sheet has filed before the competent Court and the applicant is in jail since 04.01.2026 and the applicant had one criminal antecedent of the year 2023, which has been disposed off by paying fine amount and the conclusion of the trial is likely to take quite long time. Therefore, he prays for grant of regular bail to the applicant.

5. On the other hand, the learned State counsel opposes the prayer for grant of bail to the applicant and submits that in the present case, charge-sheet has been filed before the competent Court and the applicant has one previous criminal antecedent of the year 2023 and further the quantity of liquor seized from the possession of the present applicant i.e. 30 liters of mahua liquor as such, he is not entitled for grant of bail.
6. I have heard learned counsel for the parties and perused the case-diary.
7. 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 only one previous criminal antecedent which has been mentioned in the bail application in para No. 4(a) and in the present case, charge-sheet has been filed before the competent Court, further the quantity of liquor seized from the possession of the applicant i.e. 30 liters of Mahua liquor and he is in jail since 04.01.2026 and conclusion of the trial is likely to take some time, therefore, I am inclined to grant regular bail to the present applicant.

8. Accordingly, the bail application of the applicant is **allowed**.
9. Let applicant, **Shambhu Yadav**, involved in Crime No. 04/2026, registered at Police Station : Katghora, District- Korba (C.G.) for the offence punishable under Section 34(1), 34(2) and 59(a) 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 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.

- 10.** 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

Kunal