



2026:CGHC:3762-DB

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPCR No. 39 of 2026

1 - Yogesh Shrivastava S/o Shri Ram Kumar Shrivastava Aged About 30 Years
R/o Village Lamer, Ward No. 06, P.S. Kota, Bilaspur, C.G. (On Behalf
And Authorized By The Detenu Namely Virendra Kumar Shrivastava)

... Petitioner(s)

versus

1 - State Of Chhattisgarh Through The Secretary, Department Of Home
Affairs, Secretariat, Mahanadi Bhawan, New Raipur C.G.

2 - Director General Of Police, Police Headquarter Raipur C.G.

3 - Jail Superintendent Of Central Jail Raipur District Raipur C.G.

4 - Superintendent Of Police District Kabirdham C.G.

5 - Station House Officer, Police Station Pipariya, District Kabirdham
C.G.

... Respondent(s)

For Petitioner(s) : Mr. B. L. Sahu, Advocate

For Respondent(s) : Mr. Priyank Rathi, Govt. Advocate

Hon'ble Shri Ramesh Sinha, Chief Justice
Hon'ble Shri Ravindra Kumar Agrawal, Judge
Order on Board

Per Ramesh Sinha, Chief Justice

22.01.2026

1. Heard Mr. B. L. Sahu, learned counsel for the petitioner as well as Mr. Priyank Rathi, learned Govt. Advocate for the State/ respondent.
2. The petitioner has filed the present writ petition under Section 226 of Constitution of India read with Section 528 of BNSS, 2023 claiming the following reliefs:-
 - (a) Issue a Writ of mandamus or any other appropriate writ, order, or direction, directing the Respondents, particularly Respondent No. 03, to release forthwith Virendra Kumar Shriwes, brother of the Petitioner, aged 26 years, in compliance of bail granted by this Hon'ble Court vide order dated 08/01/2026 in MCRC/86/2025 and release order/memo issued by the Concerned Court.
 - (b) Call the entire record of FIR No.243/2025 registered at police station pipariya District Kabirdham C.G. and investigation/inquiry report and also further proceeding in this crime/FIR, taking into account all the information and evidence.
 - (c) Direct the Respondent authorities to take immediate and stringent action against respondent No. 03 and all

other individuals found involved in the alleged illegal detention of the Detenu.

(d) Direct the Respondents authorities to give adequate compensation the Detenu to not release for illegal detention.

(e) Pass any other and further order(s) as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case, in the interest of justice.:

3. Learned counsel for the petitioner would submit that the brother of the petitioner Virendra Kumar is an accused in Crime No. 830/2025, registered at P.S. Kharora, Dist- Raipur for the offence under Section 303 (2) of BNS, 2023 in which he was arrested on 05.12.2025. He moved his bail application before the learned trial Court which was rejected on 17.12.2025 and thereafter, he approached to the High Court by filing his bail application in MCRC No. 86/2026 which was allowed by the learned Single Judge on 08.01.2026 and the brother of the petitioner Virendra Shriwas was directed to be released on bail. Despite the direction, the brother of the petitioner could not be released from jail and the Jail Superintendent has informed that against the brother of the petitioner, another offence of Crime No. 243/2025 is registered at P.S. Pipariya, therefore, he could not be released. The brother of the petitioner was arrested by Kharora Police and has not been arrested by Pipariya Police, therefore, his custody is illegal. After the bail order dated 08.01.2026, he furnished his bail bond before

the learned trial Court. Therefore, the brother of the petitioner may be directed to be released from jail and appropriate compensation may be awarded for illegal detention of his brother.

4. Learned counsel appearing for the State, on instructions would submit that an offence of Crime No. 243/2025 was registered at P.S. Pipariya for the offence under Section 303 (2) of BNS, 2023 in which the investigation was going on. In the meantime, the brother of the petitioner again committed the same offence within the jurisdiction of Kharora Police for which the another offence of Crime No. 830/2025 was registered at P.S. Kharora for the offence under Section 303 (2) of BNS, 2023. In the said offence registered at P.S. Kharora, the brother of the petitioner namely Virendra Shriwas was arrested on 05.12.2025 and sent to jail. Thereafter, a production warrant issued by the Judicial Magistrate. The brother of the petitioner was arrested and produced under the production warrant before the said Court on 23.01.2026. Although, the brother of the petitioner was granted bail in the offence of Crime No. 830/2025 registered at P.S. Kharora but he is also an accused in the offence of Crime No. 243/2025 registered at P.S. Pipariya, Dist- Kabirdham in which he has not been granted bail and therefore, he could not be released from jail. There is no illegal detention of the brother of the petitioner. The entire facts have been disclosed to the petitioner, as to why, his brother could not be released from jail. Therefore, no relief can be granted to

the petitioner in the present writ petition and the same is liable to be dismissed.

5. We have heard learned counsel for the parties and perused the document annexed with the petition and considered their rival submission.
6. From the document annexed with the present writ petition, it clearly transpires that there are two FIRs have been registered i.e. (1) Crime No. 830/2025 registered at P.S. Kharora, Dist- Raipur for the offence under Section 303 (2) of BNS and (2) Crime No. 243/2025 registered at P.S. Pipariya, Dist- Kabirdham for the offence under Section 303 (2) of BNS. When the brother of the petitioner was arrested on 05.12.2025 for the offence of Crime No. 830/2025, he was directed to be released on bail by the order dated 08.01.2026 passed by learned Single Judge in MCRC No. 86/2026, however, there is no order with respect to releasing the brother of the petitioner on bail in the other offence registered at P.S. Pipariya. It has been stated by the learned counsel for the State that the brother of the petitioner was also arrested in the said offence registered at P.S. Pipariya and under the production warrant, he has been produced before the concerned Judicial Magistrate, which has also not been disputed by the learned counsel for the petitioner, it cannot be said that the brother of the petitioner was kept in illegal detention by the Police or jail authorities. Under due process of law, he has been detained in jail

and produced before the Judicial Magistrate for the alleged commission of offence.

7. We found no scope for any interference in the present writ petition and to grant any relief to the petitioner.
8. Accordingly, the writ petition is liable to be and hereby dismissed.

Sd/-
(Ravindra Kumar Agrawal)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice