



2026:CGHC:9515



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 971 of 2026

Gaurav Sen S/o Late Ashok Sen Aged About 37 Years Resident of Ward No. 05, Sanjay Basti, Veer Shivaji Chowk, Balodabazar Police Station City Kotwali, Balodabazar, District- Balodabazar-Bhatapara, Chhattisgarh

... Applicant

versus

State of Chhattisgarh Through Officer-In-Charge Of Police Station- City Kotwali, Balodabazar District- Balodabazar-Bhatapara (C.G.)

... Non-Applicant

For Applicant : Ms. Gunjan Rani Agrawal, Advocate.

For Non-Applicant/State : Ms. Sameeksha Gupta, Panel Lawyer.

Hon'ble Shri Ramesh Sinha, Chief Justice

Order on Board

24/02/2026

1. This is the first bail application filed under Section 483 of Bharatiya Nagrik Suraksha Sanhita, 2023 for grant of regular bail to the applicant who has been arrested in connection with Crime No.1184/2025 registered at Police Station- City Kotwali, District- Balodabazar-Bhatapara(C.G.), for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.
2. As per the prosecution case, on 15.12.2025, upon receiving secret information, Head Constable Chaitram Joshi of Police Station City Kotwali, Balodabazar, along with staff and witnesses, proceeded to the area near the closed liquor distillery on Sonpuri Road, Balodabazar. During the search, the accused, Gaurav Sen, was found in possession of



a white plastic sack containing 32 pouches of Romeo Desi Masala liquor, each containing 180 ml, totaling 5.760 bulk liters and valued at approximately Rs.3,200. When served with a notice under Section 94 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the accused failed to produce any valid permit or documents for possession of the liquor. Consequently, the liquor was seized on the spot and the accused was arrested. Thereafter, Crime No. 1184/2025 was registered against him at Police Station City Kotwali, Balodabazar, for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act, 1915. The investigation was carried out, and upon completion, the charge sheet was filed before the competent Court.

- 3.** Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the present case. It is further submitted that the applicant has two previous criminal antecedents, out of which he has been acquitted in one case, while the other case is still pending. Counsel further submits that the charge-sheet has already been filed in the present matter and the applicant has been in judicial custody since 15.12.2025. It is also argued that under Section 34(2) of the C.G. Excise Act, the prescribed punishment ranges from a minimum of one year to a maximum of three years of imprisonment. Considering that the conclusion of the trial is likely to take a considerable amount of time, it is prayed that the applicant be enlarged on regular bail.
- 4.** On the other hand, learned counsel appearing for the State/non-applicant would oppose the bail application and submit that the charge-sheet has been filed in the present case before the competent Court and also endorse the fact that the applicant has two previous criminal antecedents.



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 applicant and the fact that the applicant has two previous criminal antecedents, out of which he has been acquitted in one case, while the other case is still pending, further the charge-sheet has already been filed in the present matter and the applicant has been in judicial custody since 15.12.2025, the conclusion of the trial may take some more time, this Court is of the view that the applicant is entitled to be released on bail in this case.
7. Accordingly, the bail application is **allowed**. Let the applicant - **Gaurav Sen**, involved in Crime No.1184/2025 registered at Police Station- City Kotwali, District- Balodabazar-Bhatapara(C.G.), for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act., be released on bail on his furnishing a **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 BNS.

(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 BNS.

(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 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 him in accordance with law.

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

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