



2026:CGHC:13772



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NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****MCRC No. 1180 of 2026**

- Kishan Lal Banjare S/o Late Shri Shriram Banjare Aged About 61 Years R/o Village Indra Nagar, Lailunga, Thana And Tahsil Lailunga, Distt. Raigarh, Chhattisgarh.

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

- State of Chhattisgarh Through The Station House Officer, P.S. Lailunga, Distt. Raigarh, Chhattisgarh.

... Respondent(s)**(Cause title is taken from Case Information System)**

For Applicant(s) : Ms. Sakshi Singh, Advocate

For Respondent(s) : Ms. Smriti Shrivastava, Panel Layer

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

1. The applicant has preferred this First Bail Application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail, as he has been arrested in connection with Crime No. 06/2026, registered at Police Station – Lailunga, District – Raigarh (C.G.) for the offence punishable under Section 34(2) and 59(a) of C.G. Excise Act.
2. The case of the prosecution, is that the Police of Police Station Lailunga, Distt. Raigarh received a secret information from the



informant during patrolling that the applicant has kept illicit countrymade mahua liquor near Budhwari Market Lailunga and searching for customers. Acting upon the said information, the police, conducted the raid and caught hold of the applicant and alleged to have seized 35 liters of country made mahua liquor kept in 2 jerricanes, therefore, the applicant was arrested for commission of the aforesaid offence.

3. It is argued by the learned counsel for the applicant that the applicant is innocent and has been falsely implicated in this case and there are three criminal antecedents registered against the present applicant and same are mentioned in paragraph 4(a) in the bail application. It is further submitted that the charge-sheet has been filed in this case. He further submits that under Section 34(2) of the Excise Act, minimum punishment is one year and maximum punishment is three years. The applicant is in jail since 12.01.2026 and trial is likely to take some time for its conclusion, therefore, he prays for grant of bail.
4. On the other hand, the learned State counsel opposes the bail application and submits that there are three criminal antecedents registered against the present applicant, and same are mentioned in the bail application the charge-sheet has been filed in this case. It is further submitted that a total of 35 liters of country made mahua liquor has been seized from the possession of the present applicant, therefore, he is not entitled for grant of bail.
5. I have heard learned counsel for the parties and perused all of the documents available on record.
6. Taking into consideration the facts and circumstances of the case,



nature and gravity of allegation levelled against the applicant and the fact that charge-sheet has been filed against the applicant and he is in jail since 12.01.2026 and conclusion of the trial is likely to take some time, I am inclined to allow this application.

7. Let applicant, **Kishan Lal Banjare**, involved in Crime No. 06/2026, registered at Police Station – Lailunga, District – Raigarh (C.G.) for the offence punishable under Section 34(2) and 59(a) of C.G. 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 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



2026:CGHC:13772

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.

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

Vaishali