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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 1918 of 2026

Anandpuri S/o Chhotelal, Aged About 19 Years R/o Village Manwari,
P.S. Kelhari, Tahsil Kelhari , District- M.C.B. (C.G.)

... **Petitioner(s)**

versus

State Of Chhattisgarh Through Station House Officer, Police Station
Khadgawan, District- M.C.B.) (C.G.)

... **Respondent(s)**

(Cause title taken from CIS)

For Petitioner(s) : Shri Ravi Kumar Banjare, Advocate

For Respondent(s) : Shri Anand Gupta, Dy. Govt. Advocate

Hon'ble Shri Bibhu Datta Guru, Judge

Order on Board

25.02.2026

1. The applicant has preferred this first Bail Application under Section 483 of Bhartiya Nagrik Suraksha Sanhita, 2023 for grant of regular bail, as he has been arrested in connection



with Crime No. 212/2025, registered at Police Station Khadgawan, District Manendragarh, Chirmiri Bharatpur (C.G.) for the offence punishable under Sections 34(2), 42, 46, 49 & 59 A of the Chhattisgarh Excise Act.

2. Facts of the case, in brief, are that the Investigating Officer/Head Constable, namely Jitendra Mishra, was on patrolling duty with his staff when he received secret information regarding the transportation of illegal liquor. Acting upon the said information, he intercepted the offending vehicle, which was being driven by the co-accused. During the search, 226 bulk liters of country-made foreign liquor were allegedly seized from the vehicle. The applicant, who was merely travelling in the said vehicle and was neither the driver nor the owner, was apprehended along with the co-accused and arrested on the spot.
3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the present case. It is contended that the applicant was only travelling with the driver of the offending vehicle and had no knowledge whatsoever regarding the transportation of liquor. Learned counsel further submits that in a similar case, wherein 243



litres of illicit liquor were seized, a Coordinate Bench of this Court granted bail to the applicant vide order dated 11.07.2024 passed in *MCRC No. 4273/2024*. Learned counsel has also placed reliance on another order dated 12.03.2025 passed by a Coordinate Bench of this Court in *MCRC No. 2019/2025*, wherein the applicant was granted bail despite seizure of 225 bulk litres of foreign liquor from his possession. It is further submitted that the applicant has been in custody since 05.10.2025 and has already undergone a considerable period of pre-trial detention. The applicant has no criminal antecedents; the alleged offences are triable by the Magistrate and are not punishable with death or imprisonment for life. The applicant undertakes to cooperate with the trial. Learned counsel for the applicant submits that the charge-sheet has already been filed in the instant crime, therefore, the applicant prays for grant of regular bail.

4. Per contra, learned counsel for the State opposes the bail application. It is submitted that considering the quantity of illicit liquor seized from the possession of the applicant, he is not entitled to the benefit of bail.
5. I have heard learned counsel for the parties and perused the



case diary.

6. Considering the overall facts and circumstances of the case, particularly the period of custody of the applicant since 05.10.2025, charge-sheet has been filed, the absence of any criminal antecedents, the fact that the alleged offences are triable by the Magistrate and are not punishable with death or imprisonment for life, and that the trial has not commenced, this Court is of the considered opinion that further custodial detention of the applicant is not warranted. Accordingly, without expressing any opinion on the merits of the case and subject to conditions, the first bail application is allowed.
7. Let applicant, **Anandpuri**, involved in Crime No. 212/2025 registered at Police Station Khadgawan, District Manendragarh, Chirmiri Bharatpur (C.G.) for the offence punishable under Sections 34(2), 42, 46, 49 & 59 A of the Chhattisgarh 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



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proceed against him in accordance with law.

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

sd/-
(Bibhu Datta Guru)
Judge

Shoaib