



2026:CGHC:17895

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**MCRC No. 1880 of 2026**

Ramayan Yadav S/o Of Late Dhukhharan Yadav Aged About 45 Years
Resident Of Village- Dargaon Police Station Dhamdha District- Durg (C.G.)
(Description Mentioned As Per FIR)

... Applicant**versus**

State Of Chhattisgarh Through The Station House Officer Police Of Police
Station Dhamdha District- Durg (C.G.)

... Respondent

For Applicant : Shri Praveen Dhurandhar, Advocate.

For : Ms. Palak Dwivedi, PL.

Respondent/State

Hon'ble Mr. Ramesh Sinha, Chief Justice**Order on Board****20/04/2026**

1. This is the first bail application filed under Section 483 of the Bharatiya
Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular
bail to the applicant who has been arrested in connection with Crime
No.10/2026 registered at Police Station Dhamdha, District Durg (C.G.)

for the offence punishable under Section 34 (2) of Chhattisgarh Excise Act.

2. Case of the prosecution, in brief, is that on 11-01-2026, the applicant along with co-accused namely Ramchand Yadav was carrying illegal country made liquor to the tune of 5.400 bulk liter (5400 ML) and was caught by the police in the main road at Gobara-Dargaon Main Road.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case and 5.400 bulk litres country made liquor was not seized from the exclusive possession of the applicant & co-accused. 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 would submit that four criminal antecedents are explained in para 4 (a) of the bail application, four criminal antecedents are explained by filing covering memo and 2 cases are unexplained as the same are not traceable, out of which none of the case is under the Excise Act. He also submits that applicant is in jail since 11/01/2026 and the conclusion of the trial is likely to take quite long time. Therefore, he prays for grant of regular bail to the applicant.
4. Learned counsel 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 the applicant has 10 criminal antecedents, which are explained in para 4a of the bail application and also by filing covering memo, out of which, none of the case is under the Excise Act. She further submits that 5.400 bulk litres

country made liquor was recovered from the possession of the applicant & co-accused, therefore, he is not entitled for grant of bail.

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, he is in jail since 11/01/2026, charge-sheet has been filed and further the conclusion of the trial may take some more time, therefore 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 and it is directed that the applicant - **Ramayan Yadav**, involved in Crime No.10/2026 registered at Police Station Dhamdha, District Durg (C.G.) for the offence punishable under Section 34 (2) of 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 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.

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