



2026:CGHC:17885



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 2056 of 2026

Kanhaiya Lal Banjare S/o Late Seva Ram Banjare Aged About 52 Years
R/o Village Bansivni, Police Station Mahasamund, Tehsil And District
Mahasamund, Chhattisgarh.

...Applicant

versus

State Of Chhattisgarh Through Police Station Mahasamund, District
Mahasamund, Chhattisgarh.

... Respondent

For Applicant : Shri Virendra Kashyap, Advocate.

For : Ms. Ritika Verma, 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.58/2026 registered at Police Station



Mahasamund, District Mahasamund Chhattisgarh for the offence punishable under Section 34(2) Chhattisgarh Excise Act.

2. Case of the prosecution, in brief, is that on 06.02.2026, the police allegedly received secret information regarding illegal possession of hand-made Mahua liquor by the applicant at the backyard of his house situated at Village Bansivni. Acting upon the said information, police allegedly seized 60 bulk liters of Mahua liquor (50 liters + 10 liters) from two plastic containers and registered the present offence. The applicant was arrested on 06.02.2026 and produced before the learned Chief Judicial Magistrate, Mahasamund on 07.02.2026, where he was sent to judicial custody.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case and 60 bulk liters of Mahua liquor was not seized from the exclusive possession of the applicant. 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 also submits that applicant is in jail since 6/02/2026 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



one criminal antecedent under the Excise Act of the year 2025.

She further submits that 60 bulk liters of Mahua liquor was recovered from the possession of the applicant, 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 6/02/2026, applicant has one criminal antecedent under the Excise Act of the year 2025, 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 - **Kanhaiya Lal Banjare**, involved in Crime No.58/2026 registered at Police Station Mahasamund, District Mahasamund Chhattisgarh for the offence punishable under Section 34(2) 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

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