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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 2040 of 2026

1 - Nityanand Saand S/o Shri Bhikhari Saand Aged About 30 Years R/o Village- Memra, Police Station- Pithora, District- Mahasamund (C.G.)
 2 - Miniketan Nag S/o Shri Jaikishan Nag Aged About 38 Years R/o Village- Memra, Police Station- Pithora, District- Mahasamund (C.G.) ... **Applicants**

versus

State Of Chhattisgarh Through Station House Officer, Police Station- Patewa, District- Mahasamund (C.G.) ... **Non-applicant**

For Applicants : Mr. Surfaraj Khan, Advocate.

For Non-Applicant : Ms. Ritika Verma, Panel Lawyer.

Hon'ble Mr. Ramesh Sinha, Chief Justice

Order on Board

21.04.2026

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 applicants who have been arrested in connection with Crime No. 05/2026 registered at Police Station - Patewa, District- Mahasamund (C.G.) for the offence punishable under Section 34(2) of the C.G. Excise Act.



2. According to the prosecution, 07.01.2026, acting on secret information, police of Police Station Patewa has seized 69.120 bulk litres of illicit country made liquor from the possession of the applicants.
3. It has been argued by learned counsel for the applicants that the applicants have been falsely implicated in this case. He further submits, the applicants have been roped in due to political vendetta at the instance of a motivated police agency. They are respectable persons of their locality and have been made scapegoats by the prosecution, whereas the trial is likely to take a considerable period of time. The allegations levelled against the applicants are false, baseless, and unreliable, and from the facts and circumstances of the case, no offence is made out against them. The applicants are the sole breadwinners of their respective families, and due to the present case, their families are suffering irreparable hardship. The applicants have no previous criminal antecedents, and mere suspicion, however strong, cannot take the place of proof. They are permanent residents of the addresses mentioned in the cause title and there is no likelihood of their absconding or tampering with the prosecution witnesses. The applicants are ready and willing to furnish adequate surety and undertake to abide by all terms and conditions as may be imposed by this Hon'ble Court while granting bail.
4. On the other hand, learned counsel appearing for the State/non-applicant opposes the bail application and submits that the charge-sheet has already been filed before the competent Court.



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, the nature and gravity of the allegations levelled against the applicants, the fact that they have no criminal antecedents, and also considering that the charge-sheet has been filed before the competent Court and that the applicants have been in judicial custody since 07.01.2026, and further that the conclusion of the trial is likely to take considerable time, I am inclined to grant regular bail to the present applicants.

7. Let the Applicants - **Nityanand Saand** and **Miniketan Nag**, involved in Crime No. 05/2026 registered at Police Station - Patewa, District-Mahasamund (C.G.) for the offence punishable under Section 34(2) of the C.G. Excise Act, be released on bail on furnishing **personal bond** with **two local sureties each** in the like sum to the satisfaction of the Court concerned with the following conditions:-

(i) The applicants shall file an undertaking to the effect that they 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 applicants shall remain present before the trial court on each date fixed, either personally or through their counsel. In case of their absence, without sufficient cause, the trial court may proceed against them under Section 269 of Bharatiya Nyaya Sanhita.

(iii) In case, the applicants misuse the liberty of bail during trial and in order to secure their presence, proclamation under Section 84 of BNSS. is issued and the applicants fail to appear before the court on the date fixed in such proclamation, then, the trial court shall initiate proceedings against them, in accordance with law, under Section 209 of the Bharatiya Nyaya Sanhita.

(iv) The applicants shall remain present, in person,



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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 applicants 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 them 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.

Sd/-

(Ramesh Sinha)
Chief Justice

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