



2026:CGHC:18199



2026:CGHC:18199

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 2186 of 2026

Sourabh Singh S/o Virendra Singh Aged About 28 Years R/o Near District Hospital, Darripara Ambikapur District- Sarguja (C.G.)

... Applicant

versus

State Of Chhattisgarh Through Excise Circle Flying Squad Ambikapur District- Sarguja (C.G.)

... Respondent

For Applicant	: Shri Goutam Khetrapal & Shri Rajat Agrawal, Advocates.
For Respondent/State	: Smt. Smriti Shrivastava, PL.

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 applicant who has been arrested in connection with Crime No.163/2025 registered at Police Station Excise Circle Flying Squad



Ambikapur, District Sarguja (C.G.) for the offence punishable under Sections 34(1) A, 34(2), 36 and 59 A of the Chhattisgarh Excise Act.

2. Case of the prosecution, in brief, is that on 31.12.2025, the Flying Squad Office, Ambikapur received information from an informer that applicant, owner of Deepak Transport, had illegally stored a large quantity of illegal liquor of Haryana State in a rented premises situated at Darima Main Road, Manikprakashpur allegedly for consumption during New Year celebrations. Considering the urgency of the information, the likelihood of removal of contraband, and the possibility of the accused absconding, immediate action was taken. Due to paucity of time and emergent circumstances, a search warrant could not be obtained. The accused was arrested from his house and taken to the rented premises. In the presence of witnesses, namely Shyamlal Minj, owner of the premises, and Ajit Ram, husband of the Sarpanch, the accused was informed about the information received. Upon conducting a search of the rented premises in the presence of witnesses, 300 boxes of "BLACK DOT" foreign liquor of Haryana State were recovered. Each box contained 48 bottles of 180 ml each, amounting to a total of 14,400 quarters, equivalent to 2,592 litres of foreign liquor. On examination, the seized liquor was found to be unauthorized foreign liquor. Accordingly, a case was registered against the accused under Sections 34(1)(a), 34(2), 36 and 59(a) of the Excise Act. The accused was arrested. Hence this bail application.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated and no recovery was made from his conscious or exclusive possession, as he was taken from his residence to the



alleged premises by the police. It is argued that mandatory provisions regarding videography of search and seizure under BNSS were violated, rendering the recovery doubtful. He further submits that there is no documentary or electronic evidence linking the applicant to the premises or the alleged contraband, and the case rests only on uncorroborated statements. It is contended that the alleged quantity and valuation of liquor is highly improbable considering the applicant's financial status, and no monetary trail has been established. The applicant is stated to be connected only with a different licensed premises and has no relation to the godown in question. He would submit that the charge sheet has been filed in this case, the applicant is in jail since 31/12/2025 and conclusion of trial will take some time, therefore, he prays for grant of bail to the applicant.

4. On the other hand, learned State Counsel opposes the bail application and she would submit that charge sheet has been filed in this case before the competent court and the applicant has one criminal antecedent under the Excise Act of the year 2024 which is pending. She would submit that the applicant illegally stored a large quantity of unauthorized Haryana State liquor in a rented premises at Darima Main Road, Manikprakashpur and upon search in presence of witnesses, recovered 300 boxes (2,592 litres) of "Black Dot" foreign liquor, therefore the applicant 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, submission of learned counsel for the parties, materials available on



record, although allegation against the applicant is that the applicant illegally stored a large quantity of unauthorized Haryana State liquor in a rented premises and upon search in presence of witnesses, recovered 300 boxes (2,592 litres) of foreign liquor but considering the fact that charge sheet has been filed, applicant is in jail since 31/12/2025 and also considering the fact that trial is likely to take some time for its conclusion, without commenting anything on the merits of the case, 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- **Sourabh Singh**, involved in Crime No.163/2025 registered at Police Station Excise Circle Flying Squad Ambikapur, District Sarguja (C.G.) for the offence punishable under Sections 34(1) A, 34(2), 36 and 59 A of the 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.

Sd/-
(Ramesh Sinha)
CHIEF JUSTICE