



2026:CGHC:16704

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****MCRC No. 2087 of 2026**

- Badal Bhardwaj S/o Shri Vedram Aged About 26 Years R/o Village Kharaud, Police Station- Shivrinarayan, District- Janjgir- Champa (C.G.)

... Applicant(s)**versus**

- State of Chhattisgarh Through District Magistrate Janjgir, District- Janjgir- Champa (C.G.) (Also Mentioned In The Impugned Order As State Of Chhattisgarh Through Ps- Nawagarh District- Janjgir- Champa (C.G.)

... Respondent(s)**(Cause title is taken from Case Information system)**

For Applicant : Mr. Khilendra Sahu, Advocate.

For Non-applicant/State : Mr. Shailendra Sahu, Panel Lawyer.

Hon'ble Shri Ramesh Sinha, Chief Justice**Order on Board****10.04.2026**

1. The applicant has preferred this First Bail Application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail, as he has been arrested in connection with Crime No. 37/2026, registered at Police Station – Shivrinarayan District – Janjgir-Champa (C.G.) for the offence punishable under Section 34(2) of C.G. Excise Act.
2. The case of the prosecution, is that on January 24, 2026, the

Assistant Sub-Inspector of Shivrinarayan police station was on patrol with his staff in a government vehicle. When they reached near Bamri Talab, Tiwari Para, Kharoud village, they saw a person trying to hide behind a peepal tree upon seeing the police vehicle. The staff surrounded and caught him, and upon questioning, he revealed his name as Badal Bhardwaj. He stated that he was keeping illicit mahua liquor for sale and was waiting for customers. Upon searching him in the presence of witnesses, no documents were found to justify his possession of mahua liquor. A total of 40 liters of illicit mahua liquor was seized from his possession, consisting of 20 liters in a 20-liter jerrycan and 200 plastic pouches (100 ml each) in two plastic bags.

3. It is argued by the learned counsel for the applicant that the applicant is innocent and has been falsely implicated in this case and there is no criminal antecedents registered against the present applicant. It is further submitted that the charge-sheet has been filed in this case. He further submits that under Section 34(2) of the Excise Act, minimum punishment is one year and maximum punishment is three years. The applicant is in jail since 24.01.2026 and trial is likely to take some time for its conclusion, therefore, he prays for grant of bail.
4. On the other hand, the learned State counsel opposes the bail application and submits that there is no criminal antecedents registered against the present applicant, and the charge-sheet has been filed in this case. It is further submitted that a total of 40 liters of illicit mahua liquor has been seized from the possession of the present applicant, therefore, he is not entitled for grant of bail.
5. I have heard learned counsel for the parties and perused all of the

documents available on record.

6. Taking into consideration the facts and circumstances of the case, nature and gravity of allegation levelled against the applicant and the fact that there is no any criminal antecedents registered against the present applicant, charge-sheet has been filed against the applicant and he is in jail since 24.01.2026 and conclusion of the trial is likely to take some time, I am inclined to allow this application.
7. Let applicant, **Badal Bhadwaj**, involved in Crime No37/2026, registered at Police Station – Shivrinarayan District – Janjgir-Champa (C.G.) for the offence punishable under Section 34(2) of C.G. 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 concerned for necessary information and compliance forthwith.

Sd/-
(Ramesh Sinha)
Chief Justice

Vaishali