



2026:CGHC:20219



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 2270 of 2026

Rohit Markam S/o Vishram Markam Aged About 58 Years R/o Ward No. 02,
Parpodi, Police Station - Parpodi, District- Bemetara (C.G.)

... Applicant

versus

State Of Chhattisgarh Through - Station House Officer, Police Station - Parpodi,
District- Bemetara (C.G.)

... Non-Applicant

For Applicant	: Mr. Veer Verma, Advocate.
For Non-Applicant/State	: Ms. Smriti Shrivastava, Panel Lawyer.

Hon'ble Shri Ramesh Sinha, Chief Justice

Order on Board

30.04.2026

1. The applicant has preferred this First Bail Application under Section 483 of Bharatiya Nagarik Nyay Sanhita, 2023 for grant of regular bail, as he has been arrested in connection with Crime No.13/2026, registered at Police Station - Parpodi, District- Bemetara (C.G.) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.
2. This is the first bail application filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023. The applicant is innocent and has been falsely implicated in the present case. He has not committed any offence, and the entire prosecution story is false and fabricated. It is submitted that the alleged recovery of liquor from the kitchen garden of the applicant does not establish his conscious possession or knowledge. The kitchen



garden is an open and accessible area, which can be approached by others, and there is no cogent evidence linking the applicant to the seized articles except for the vague allegation based on information received from an anonymous informer. Furthermore, the quantity of liquor allegedly seized is minimal, i.e., 5.4 bulk liters, which is only marginally above the prescribed limit under Section 34(2) of the C.G. Excise Act.

3. The learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the present case. It is further submitted that the applicant has four previous criminal antecedents under the Excise Act. Out of these, he has been acquitted in one case, convicted in another case, and the remaining two cases are still pending. The details of these antecedents have been duly explained through an affidavit annexed with the bail application. It is also submitted that the charge-sheet has already been filed, the applicant has been in judicial custody since 09.02.2026, and the trial is likely to take a considerable amount of time to conclude. Therefore, it is prayed that the applicant be released on regular bail.
4. On the other hand, learned counsel for the State opposes the bail application and submits that the charge-sheet has been filed. She further submits that the applicant is having four previous criminal antecedents under the Excise Act, out of which two cases are still pending, therefore, his bail application is liable to be dismissed.
5. I have heard learned counsel appearing for the parties and perused material available on record.
6. Considering the fact and circumstances of the case, nature of allegation levelled against the applicant and the fact that applicant is having four previous criminal antecedents under the Excise Act, out of which two cases are still pending which shows that he is a habitual offender, further



he has misused the bail granted to him earlier, and that the quantity of liquor seized is total 5.4 bulk liters, has been recovered from the possession of the applicant and also in light of the judgment rendered by the Hon'ble Court in ***Deepak Yadav Vs. State of Uttar Pradesh & Another, reported in (2022) 8 SCC 559***, wherein the Hon'ble Supreme Court had cancelled the bail granted to the accused therein on the ground that the accused had previous antecedents, this Court is of the opinion that it is not a fit case to enlarge the applicant on regular bail.

7. Accordingly, the bail application of applicant – **Rohit Markam** involved in Crime No.13/2026, registered at Police Station - Parpodi, District-Bemetara (C.G.) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act, is **rejected**.
8. Needless to say that the trial Court concerned is at liberty to proceed and conclude the trial expeditiously.
9. Office is directed to provide a certified copy of this order to the trial Court concerned for necessary information and compliance forthwith.

Sd/-
(Ramesh Sinha)
Chief Justice