



2026:CGHC:13805



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NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****MCRC No. 2694 of 2026**

Arshad Bagban Son Of Shri Iliyas Bagban Aged About 35 Years R/o Idgah Bhatha, Police Station Azad Chowk, Raipur, District - Raipur, Chhattisgarh.

... Applicant**versus**

State of Chhattisgarh Through Police Station Azad Chowk, Raipur, District - Raipur, Chhattisgarh.

... Non-applicant

For Applicant : Ms. Dhaneshwari Patel, Advocate.

For Non-applicant/State : Ms. Ankita Shukla, Panel Lawyer.

Hon'ble Shri Ramesh Sinha, Chief Justice**Order on Board****23.03.2026**

1. The applicant has preferred this First Bail Application under Section 483 of the Bhartiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail, as he has been arrested in connection with Crime No. 22/2026, registered at Police Station Azad Chowk, Raipur, District - Raipur, (C.G.) for the offence punishable under Section 34(2) of the C.G. Excise Act.
2. The case of the prosecution, in brief, is that the police of Police Station Azad Chowk, Raipur, District - Raipur, (C.G.), received an



information from the informant and on the basis of the said information conducted a raid and seized total 6.300 bulk liters of country made liquor and cash of Rs. 300/- from the possession of the present applicant. Thereafter, Police has registered an offence punishable under Section 34(2) of the C.G. Excise Act against the present applicant.

3. It is argued by the learned counsel for the applicant that the applicant is innocent and has been falsely implicated in this case. She further submits that under Section 34(2) of the Excise Act, minimum punishment is one year and maximum punishment is three years. She submits that the present applicant has one criminal antecedent under the Excise Act, of the year 2025, which is pending. She also submits that the charge-sheet has been filed before the competent Court, and the applicant is in jail since 28.01.2026 and the trial is likely to take some time for its conclusion, therefore, she prays grant of bail to the applicant.
4. On the other hand, the learned State counsel opposes the bail application and submits that the charge-sheet has already been filed before the competent Court. She also submits that from the possession of the present applicant total 6.300 bulk liters of country made liquor and cash of Rs. 300/- was seized. She further submits that the present applicant has one criminal antecedent in the similar nature, which shows that the present is a habitual offender, therefore, he is not entitled for grant of bail.



5. I have heard learned counsel 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 and the fact that the present applicant has one criminal antecedent under the Excise Act, of the year 2025 which is pending, further considering the fact that the charge-sheet has been filed before the competent Court and he is in jail since 28.01.2026 and conclusion of the trial is likely to take some time, therefore, I am inclined to grant regular bail to the present applicant.
7. Accordingly, the bail application of the applicant is **allowed**. Let the applicant, **Arshad Bagban**, involved in Crime No. 22/2026, registered at Police Station Azad Chowk, Raipur, District - Raipur, (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 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 provide a certified copy of this order to the trial Court concerned for necessary information and compliance forthwith.

Sd/-

**(Ramesh Sinha)
Chief Justice**

Rahul Dewangan