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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 2441 of 2026

Nand Kumar Khadiya S/o Shri Baisakhu Khadiya Aged About 40 Years
R/o Vill.-Labharakala, P.S.- Mahasamund Tehsil And District-
Mahasamund(C.G.)

... Applicant

versus

State of Chhattisgarh Through- Mahasamund District- Mahasamund
(C.G.)

... Non-applicant

For Applicant	: Mr. Anway Tiwari, Advocate appears through video conferencing
For Non-applicant/State	: Mr. Shubham Bajpai, Panel Lawyer

Hon'ble Shri Ramesh Sinha, Chief Justice

Order on Board

23.04.2026

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. 72/2026, registered at Police Station- Mahasamund District- Mahasamund, (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- Mahasamund District- Mahasamund, (C.G.), received an



information from the informant and on the basis of the said information conducted a raid and seized total 21 bulk liters of country made liquor 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. He further submits that under Section 34(2) of the Excise Act, minimum punishment is one year and maximum punishment is three years. He also submits that the present applicant has no criminal antecedents, the charge-sheet has been filed before the competent Court, and the applicant is in jail since 13.02.2026 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. He also submits that from the possession of the present applicant total 21 bulk liters of country made liquor was seized. 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 no criminal antecedents, the



charge-sheet has been filed before the competent Court and he is in jail since 13.02.2026 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, **Nand Kumar Khadiya**, involved in Crime No. 72/2026, registered at Police Station- Mahasamund 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 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



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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