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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 2348 of 2026

Sanjay Bishra S/o Shri Radheshyam Bishra Aged About 38 Years R/o Village Bagaijor, Thana And Tahsil - Saraypali, Distt. Mahasamund Chhattisgarh

... Applicant

versus

The State Of Chhattisgarh Through Station House Officer Of Police Station - Saraypali, Distt. - Mahasamund Chhattisgarh

... Respondent

For Applicant : Mr. Rajendra Patel, Advocate

For State/ Respondent : Ms. Ankita Shukla, P.L.

Hon'ble Shri Ramesh Sinha, Chief Justice

Order on Board

21.04.2026

1. The applicant has preferred this First Bail Application under Section 483 of The Bharatiya Nagarik Suraksha Sanhita (BNSS) for grant of regular bail, as he has been arrested in connection with Crime No.66/2026, registered at Police



Station: Saraypali, District-Mahasamund (C.G.) for the offence punishable under Sections 34(2) of the Chhattisgarh, Excise Act.

2. The case of the prosecution, in brief, that is 22.02.2026, the police of Police Station Saraypali, District Mahasamund (C.G.), received credible secret information that the applicant had stored country-made liquor behind his house in a kitchen garden for the purpose of illegal sale. Acting upon the said information, the police conducted a search and allegedly seized 20 bulk litres of country-made Mahua liquor kept in a jerrican. It is further alleged that a notice under Section 94 of the BNSS was issued to the applicant to produce valid documents or licence for possession of the said liquor; however, the applicant failed to produce any such documents. Consequently, the applicant was arrested for the alleged commission of the offence.
3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in this case, as the alleged liquor was recovered from an open place behind the house and not from his conscious possession, and there is no evidence to connect him with the seized liquor. It is further



contended that the prosecution has not established ownership or exclusive possession, nor properly measured the alleged quantity, and no reliable independent evidence has been collected. It is further submitted that the applicant has no previous criminal antecedents and is in judicial custody since 22.02.2026, the chargesheet has not been filed, he has no criminal antecedents, and undertakes to cooperate with the trial, therefore, he is entitled to grant of bail.

4. Learned counsel for the State opposes the bail application and submits that the applicant was found in connection with the recovery of 20 bulk litres of country-made Mahua liquor seized from the premises situated behind his house, which indicates his involvement in the illegal storage and sale of liquor. It is further contended that the seizure has been effected in accordance with law and is supported by the seizure memo and statements of witnesses, and the applicant failed to produce any valid licence or document despite notice under Section 94 of the BNSS, therefore, considering the quantity of liquor and nature of the offence, the applicant does not deserve to be enlarged on bail.
5. I have heard learned counsel for the parties and perused the



material available on record.

6. Having heard learned counsel for the parties and upon perusal of the material available on record, this Court finds that the alleged recovery of 20 bulk litres of country-made Mahua liquor is from an open place behind the house of the applicant and not from his conscious or exclusive possession, and there is no material to prima facie establish his connection with the seized liquor. Considering further that the quantity involved is 20 bulk litres of liquor, the applicant has no criminal antecedents, and he is in judicial custody since 22.02.2026, and there is no material on record to prima facie establish that the seized liquor belonged to the applicant, further, the prosecution has not collected any direct or cogent evidence linking the applicant with the alleged contraband. Accordingly, the bail application is **allowed**.
7. Let applicant, **Sanjay Bishra**, involved in Crime No.66/2026, registered at Police Station: Saraypali, District-Mahasamund (C.G.) for the offence punishable under Sections 34(2) 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 them 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 Bharatiya Nyaya Sanhita 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 Section 209 of 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,



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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.

Sd/-

**(Ramesh Sinha)
Chief Justice**

Arpan