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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 2510 of 2026

Dilharan Yadav S/o Ramesh Yadav Aged About 42 Years R/o Village Sukli Govind, P.S. Kunda District- Kabirdham (C.G.)

... Applicant

versus

State of Chhattisgarh Through The Station House Officer, P.S. Kotwali, Mungeli (C.G.)

... Non-applicant

For Applicant	: Mr. Ankit Singh, Advocate.
For Non-applicant	: Ms. Sameeksha Gupta, Panel Lawyer.

Hon'ble Mr. Ramesh Sinha, Chief Justice

Order on Board

17.03.2026

1. This is the first bail application filed under Section 483 of the Bhartiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to the applicant who has been arrested in connection with Crime No. 24/2026 registered at Police Station Kotwali Mungeli, District Mungeli (C.G.), for the offence punishable under Section 34(2) and 59(A) of the C.G. Excise Act.
2. As per the prosecution story, in brief, on 15.01.2026, the police of Police Station Kotwali, Mungeli (C.G.), seized 36 bulk litres of handmade desi plain liquor from the present applicant, who was transporting the same on a Pulsar motorcycle bearing registration No. CG09JC0115. Accordingly, the alleged offence was registered, and the applicant was



arrested under Sections 34(2) and 59(A) of the Chhattisgarh Excise Act.

3. Learned counsel for the applicant submits that the present applicant has been falsely implicated in this case and that the alleged 36 bulk litres of handmade desi plain liquor were not seized from the exclusive possession of the applicant. He further submits that the applicant has four criminal antecedents - one case under the IPC from the year 2019, which is still pending, two cases under the Excise Act, which have already been disposed of and one case under the Gambling Act. Explanations in this regard have also been provided in paragraph 4(a) of the present bail application. He also submits that under Section 34(2) of the C.G. Excise Act, the minimum punishment is one year and the maximum punishment is three years, and that the applicant has been in custody since 15.01.2026. It is further submitted that the conclusion of the trial is likely to take a considerable amount of time. Therefore, he prays for grant of regular bail to the applicant.
4. On the other hand, learned counsel for the State opposed the bail application and submits that the charge-sheet has been filed in the present case before the competent Court. She submits that looking to the criminal antecedents of the present applicant, he is not entitled for grant of regular bail in the present case.
5. I have heard learned counsel appearing 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 further the fact that the applicant has four criminal antecedents - one case under the IPC from the year 2019, which is still pending, two cases under the Excise Act, which have already been disposed of and one case under the



Gambling Act. Explanations in this regard have also been provided in paragraph 4(a) of the present bail application, moreover, the fact that the charge-sheet has been filed before the competent Court and the applicant has been in jail since 15.01.2026, conclusion of the trial may take some more time, therefore, this Court is of the view that the applicant is entitled to be released on bail in this case.

7. Let the applicant – **Dilharan Yadav**, involved in Crime No. 24/2026 registered at Police Station Kotwali Mungeli, District Mungeli (C.G.), for the offence punishable under Section 34(2) and 59(A) of the 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



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proceedings against his, 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**

Abhishek