



2026:CGHC:12470



2026:CGHC:12470

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****MCRC No. 2454 of 2026**

Rafik Khan S/o Late Safi @ Safik Khan Aged About 31 Years R/o
Sirmina, P.S. Pasan, District Korba Chhattisgarh

... Applicant(s)**versus**

State Of Chhattisgarh Through S.H.O. P.S. Gandhi Nagar, District -
Surguja Chhattisgarh

... Respondent(s)

For Applicant(s) : Mr. Pushkar Sinha, Advocate.

For Respondent(s) : Mr. Sourabh Sahu, P.L.

Hon'ble Mr. Ramesh Sinha, Chief Justice**Order on Board****16/03/2026**

1. This is the first bail application filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the applicant who has been arrested in connection with Crime No. 440/2025 registered at Police Station Gandhi Nagar, District - Surguja (C.G.) for the offence punishable



under Sections 331(4), 305(A), 112, 117(2), 3(5) of BNS.

2. Case of the prosecution, in brief, is that the present applicant, along with other co-accused persons, in an organized manner committed theft of 18 quintals of rice and 8 quintals of gram from the Government Fair Price Shop situated at Gram Panchayat Koldiha. On the basis of the report lodged in this regard, an F.I.R. was registered for the offences punishable under Sections 305(A) and 331(4) of the Bharatiya Nyaya Sanhita (BNS) against unknown persons. During the course of investigation, the present applicant came to be implicated and was subsequently arrested for the aforesaid offences. Hence, the bail application.
3. Learned counsel for the applicant submits that the applicant has not committed any offence and he has been falsely implicated in offence in question. He further submits that the similarly situated co-accused persons, namely, Krishna Dhimar and Indrapal Sahu have already been granted bail by this Court vide orders dated 23.01.2026 and 04.02.2026 in MCRC Nos. 817 of 2026 and 1186 of 2026. The applicant is in jail since 25.10.2025, the applicant has five criminal antecedents of the year 2025 under the BNS, which are pending, further the charge-sheet has been filed and the trial is likely to take some time for its conclusion. Therefore, he prays for grant of bail to the applicant.
4. On the other hand, learned State Counsel opposes the bail application and submits that the charge-sheet has been filed in



the present case. He further submits that allegedly the applicant in collusion with other co-accused persons, in an organized manner committed theft of 18 quintals of rice and 8 quintals of gram from the Government Fair Price Shop situated at Gram Panchayat Koldiha, thereby causing loss to the Government. It is further alleged that during the course of investigation, the present applicant was found involved in the said incident and accordingly he has been implicated and arrested in the alleged offence. Furthermore, the applicant has five criminal antecedents under the BNS, therefore, the applicant is not entitled for grant of bail.

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 offence, period of detention of the applicant since 25.10.2025, the fact that though allegedly the applicant in collusion with other co-accused persons committed theft of 18 quintals of rice and 8 quintals of gram from the Government Fair Price Shop of Gram Panchayat Koldiha, and during investigation he was found involved and arrested in the alleged offence, but considering the fact that similarly situated co-accused persons, namely, Krishna Dhimar and Indrapal Sahu have already been granted bail by this Court vide orders dated 23.01.2026 and 04.02.2026 in MCRC Nos. 817 of 2026 and 1186 of 2026 also considering the criminal antecedents of the applicant and the fact



that the charge-sheet has been filed, this Court is of the view that the applicant is entitled to be released on bail in this case. Accordingly, the application is **allowed**.

7. Let the Applicant-**Rafik Khan**, involved in Crime No. 440/2025 registered at Police Station Gandhi Nagar, District - Surguja (C.G.) for the offence punishable under Sections 331(4), 305(A), 112, 117(2), 3(5) of BNS, 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 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 send a certified copy of this order to the trial Court for necessary information and compliance.

Sd/-
(Ramesh Sinha)
CHIEF JUSTICE