



2026:CGHC:13195



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NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****MCRC No. 2512 of 2026**

Chotelal Dhurve S/o Shukla Singh Dhurve Aged About 25 Years R/o
Village- Benda, Police Station - Chilphi, District- Kawardha (Kabirdham),
Chhattisgarh

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

State Of Chhattisgarh Through The Station House Of P.S. - Chilphi,
District Kawardha (Kabirdham),, Chhattisgarh

... Non-applicant(s)

For Applicant	: Mr. Aadarsh Rajpur, Advocate.
For Non-applicant/State	: Ms. Smriti Shrivastava, Panel Lawyer.

Hon'ble Shri Ramesh Sinha, Chief Justice**Order on Board****19.03.2026**

1. The applicant has preferred this Second 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. 30/2025, registered at Police Station : Chilphi, District- Kawardha (Kabirdham) (C.G.) for the offence punishable under Section 34(2) of the C.G. Excise Act.
2. The earlier first bail application of the applicant was rejected by this Court in MCRC No. 9632/2025, vide order date 27.11.2025, on



merits. Hence, this bail application.

3. The case of the prosecution, in brief, is that on the basis of information received from an informant, the police party of Police Station Chilphi, District Kabirdham (C.G.), proceeded to Village Benda and conducted a raid. During the course of the raid, the residential house of the accused was searched and a total of 359.280 bulk litres of illegal liquor, including country-made as well as foreign liquor, was allegedly recovered in huge quantity from the possession of the accused and taken into custody. The accused was arrested and thereafter, Crime No. 30/2025 was registered against him for the aforesaid offence.
4. Learned counsel for the applicant submits that the first bail application of the applicant has already been rejected on merits. The present second bail application has been filed on the new ground that the applicant is in judicial custody since 17.08.2025 and more than 8 months have elapsed. It is further submitted that under Section 34(2) of the Chhattisgarh Excise Act, the prescribed punishment ranges from one year to three years and the applicant is nearing completion of the minimum sentence. It is also submitted that out of 12 prosecution witnesses, only two witnesses have been examined so far and both have not supported the prosecution case and have been declared hostile, which weakens the prosecution case. The applicant has no criminal antecedents and there is no likelihood of repetition of the alleged offence. Hence, it is prayed that the applicant be enlarged on bail.



5. On the other hand, learned State Counsel appearing for the State/non-applicant opposes the bail application and submits that the earlier bail application of the applicant has already been rejected by this Court on merits and further submits that total quantity 359.280 bulk liters of country made & foreign liquor have been seized from the possession of the applicant. As such, he is not entitled for grant of bail.
6. I have heard learned counsel for the parties and perused the case-diary.
7. Considering the facts and circumstances of the case, nature of allegation, the quantity of liquor seized and the fact that the applicant is in judicial custody since 17.08.2025 and more than 8 months have elapsed and so far as the status of trial, wherein out of 12 prosecution witnesses only two witnesses have been examined and both have not supported the prosecution case, coupled with the fact that the applicant has no criminal antecedents, this Court is inclined to allow this second bail application.
8. Accordingly, the second bail application of the applicant is **allowed**.
9. Let applicant, **Chotelal Dhurve**, involved in Crime No. 30/2025, registered at Police Station: Chilphi, District-Kawardha (Kabirdham) (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.



- 10.** 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

Kunal