



2026:CGHC:17241

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 2805 of 2026

Rakesh Kumar Mehar S/o Rajkumar Mehar, Aged About 22 Years R/o Semarchua, Police Station- Jarhagown, District- Mungeli (C.G.) ... **Applicant**

versus

State Of Chhattisgarh Through Station House Officer, Excise Circle- Mungeli District- Mungeli (C.G.) ... **Non-applicant**

For Applicant : Mr. Kishan Gendle, Advocate.

For Non-applicant/State : Ms. Ankita Shukla, Panel Lawyer.

Hon'ble Shri Ramesh Sinha, Chief Justice

Order on Board

15.04.2026

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.197/2026, registered at Police Station - Excise Circle - Mungeli District- Mungeli (C.G.) for the offence punishable under Section 34(1) (a)(f), 34(2) 59(a) of the C.G. Excise Act.
2. The prosecution story in brief is that 03.02.2026, during town patrolling, the Excise Sub inspector, excise circle Mungeli, received

secret information through informant to the effect that one person is in possession of liquor at Home, Village Semarchua for sale. On the basis of such information, the Excise Sub inspector conducted raid and allegedly recovered 10 Bulk liters Mahua liquor and 280 Kg Mahua lahan from the possession of the applicant.

3. Learned counsel for the applicant submits that the present applicant has been falsely implicated in the case. It is submitted that the alleged liquor was not recovered from the exclusive possession of the applicant, but from an open place, and the applicant has been wrongly roped in, as he had merely gone near the pond for his daily routine work. The applicant is the sole breadwinner of his family, and his prolonged pre-trial detention would cause severe hardship to his dependents and adversely affect their livelihood. The alleged offence is triable by a Magistrate and is not punishable with life imprisonment or death. The applicant undertakes to appear before the trial Court as and when required and assures that he will not misuse the liberty granted to him. The applicant has been in judicial custody since 03.02.2026, and therefore, he deserves to be released on bail.
4. On the other hand, the learned State counsel opposes the bail application of the applicant.
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 offence levelled against the applicant and the fact that the applicant has no previous antecedents and also considering the fact that the charge-sheet has been filed and he has

been in jail since 03.02.2026 and conclusion of the trial is likely to take some time, therefore, I am inclined to grant regular bail to the present applicant.

7. Let applicant, **Rakesh Kumar Mehar**, involved in Crime No.197/2026, registered at Police Station - Excise Circle - Mungeli District- Mungeli (C.G.) for the offence punishable under Section 34(1)(a)(f), 34(2) 59(a) of the C.G. Excise Act, be released on bail on furnishing **personal bond** with **two local 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 her 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 him 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 provide a certified copy of this order to the trial Court concerned for necessary information and compliance forthwith.

Sd/-
(Ramesh Sinha)
Chief Justice