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NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****MCRC No. 2871 of 2026**

Santosh Pade S/o Budhram Pade Aged About 43 Years Resident Of
Village- Kukrachunda Police Station Hathband, District- Balodabazar-
Bhatapara (C.G.)

... Applicant**versus**

State of Chhattisgarh Through The Station House Officer Police of Police
Station Hathband District- Balodabazar-Bhatapara (C.G.)

... Non-applicant

For Applicant	: Mr. Anil Kumar Gulati, Advocate
For Non-applicant/State	: Ms. Anusha Naik, Deputy Govt. Advocate

Hon'ble Shri Ramesh Sinha, Chief Justice**Order on Board****01.04.2026**

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. 193/2024 registered at Police Station- Hathband District- Balodabazar-Bhatapara, (C.G.) for the offence punishable under Sections 34(2), 59(A) & 36 of the Chhattisgarh Excise Act and under Section 111 of the Bharatiya Nyaya Sanhita, 2023.



2. Case of the prosecution, in brief, is that on 13.10.2024, on the basis of secret information received, the police conducted a raid at Yadu Farm House, Kedarbadi, and seized a total of 4788 bulk litres of illicit liquor. It is alleged that Suresh Yadu, Gopi Dhritlahare, Laxminath Yadu and Sanjay Dhritlahare were named in the FIR, and during the course of investigation, it was further revealed that the present applicant, along with other co-accused persons, had allegedly procured the liquor from another State, i.e., Madhya Pradesh, and was involved in selling the same after affixing labels indicating it to be of the State of Chhattisgarh. It is further pertinent to mention that though the present applicant is not named in the FIR, but his implication is solely based on the memorandum statements of the co-accused persons, moreover, as far as the seizure from the present applicant is concerned, only 10 empty bottles, 3 cartons, and 12 stickers used for labeling were recovered, and admittedly no liquor was seized from his possession. A copy of the FIR is being filed herewith as Annexure A-3 for kind perusal. Hence, the present bail application.
3. Learned counsel for the applicant submits that the applicant is an innocent person and has been falsely implicated in the present case and has not acted in the manner alleged by the prosecution. It is further submitted that the implication of the applicant is solely based on the memorandum statement of co-accused Laxmi Nath Yadu, who has already been granted regular bail by this Hon'ble Court vide order dated 03.01.2025 in MCRC No. 7924/2024, and similarly, co-accused Gopi @ Sonu Dhritlahare has also been



enlarged on bail vide order dated 22.03.2025. He further submits that in similar circumstances, other co-accused persons have also been granted bail by the Hon'ble Supreme Court, including Deepak Banjare @ Jojo in Special Leave to Appeal No. 8450/2025 vide order dated 21.03.2025, and the case of the present applicant stands on identical footing. It is also submitted that no specific role has been attributed to the applicant in the commission of the alleged offence and his name has been falsely roped in on account of alleged previous antecedents; however, only one similar case is pending against him, unlike other accused persons. He further submits that the applicant has already been acquitted in certain cases, copies whereof are filed as **Annexure A-2**. It is also submitted that the applicant is in jail since 11.03.2025, charges have already been framed on 18.11.2025, and despite the prosecution having cited 08 witnesses, not a single witness has been examined till 22.01.2026, and therefore, the trial is likely to take considerable time for its conclusion. Therefore, he prays for grant of bail to the applicant on the ground of parity.

4. On the other hand, learned counsel for the State opposes the bail application of the applicant and submits that the charge-sheet has been filed before the competent Court, but could not dispute the fact that co-accused persons have already been granted bail by this Court as well as Hon'ble Supreme Court and the case of the present applicant is identical to that of the co-accused.
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, the fact that though the present applicant and other co-accused had involved in the said crime, but other co-accused, namely, Laxmi Nath Yadu, has already been granted regular bail by this Court vide order dated 03.01.2025 in MCRC No. 7924/2024, and similarly, co-accused Gopi @ Sonu Dhritlahare has also been enlarged on bail vide order dated 22.03.2025, and other co-accused persons have also been granted bail by the Hon'ble Supreme Court, including Deepak Banjare @ Jojo in Special Leave to Appeal No. 8450/2025 vide order dated 21.03.2025, and the case of present applicant is identical to that of the co-accused persons, further the charge-sheet has been filed in the present case and he is jail since 11.03.2025, the conclusion of the trial will take some more time, hence, this Court is of the view that the applicant is entitled to be released on bail in this case on the ground of parity.
7. Accordingly, the bail application of the applicant is **allowed**. Let the Applicant – **Santosh Pade**, involved in Crime No. 193/2024 registered at Police Station- Hathband District- Balodabazar- Bhatapara, (C.G.) for the offence punishable under Sections 34(2), 59(A) & 36 of the Chhattisgarh Excise Act and under Section 111 of the Bharatiya Nyaya Sanhita, 2023, 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 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



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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

Rahul Dewangan