



2026:CGHC:21184

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****MCRC No. 3270 of 2026**

Namdas Kosle S/o Ghanshyam Kosle Aged About 40 Years R/o Bans Binauri,
P.S.- Palari, District- Balodabazar- Bhatapara (CG)

... Applicant**versus**

State of Chhattisgarh Through Station House Officer, Police Station- Palari,
District- Balodabazar- Bhatapara (CG)

... Non-applicant

For Applicant : Mr. Satya Prakash Verma, Advocate.

For Non-applicant/State : Ms. Sameeksha Gupta, Panel Lawyer.

Hon'ble Shri Ramesh Sinha, Chief Justice**Order on Board****06.05.2026**

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. 99/2026, registered at Police Station Palari, District - Balodabazar - Bhatapara (C.G.) for the offence punishable under Sections 34(2) of the C.G. Excise Act.
2. As per the prosecution story, in brief, it is stated that on the basis of secret information received from an informant, the police of Police Station Palari allegedly recovered 6 bulk liters of Mahua liquor from the illegal possession of the applicant. Accordingly, an offence under Section

34(2) of the Excise Act has been registered, and the applicant has been arrested.

3. It is argued by learned counsel for the applicant that the applicant has been falsely implicated in the present case. He submits that the applicant has three criminal antecedents under the Excise Act, out of which two cases have already been disposed of and only one case is still pending, in support of this contention, an affidavit has also been filed by the deponent in the present case. He further submits that under Section 34(2) of the Excise Act, the minimum punishment prescribed is one year and the maximum punishment is three years, and that the applicant has been in custody since 04.03.2026. It is also submitted that the trial is likely to take some time to conclude. Therefore, he prays for grant of bail to the applicant.
4. On the other hand, learned counsel for the State opposes the bail application and submits that, looking to the criminal antecedents of the applicant, the applicant appears to be a habitual offender. Therefore, the applicant is not entitled to the grant of bail.
5. I have heard learned counsel for the parties and perused the case-diary.
6. Considering the facts and circumstances of the case, the nature and gravity of the allegations levelled against the applicant, the fact that the applicant has 03 criminal antecedents under the Excise Act, out of which two cases have already been disposed of and only one case remains pending, in support whereof an affidavit has been filed by the deponent in the present case, and further considering that the charge-sheet has been filed, the applicant has been in custody since 04.03.2026, and the conclusion of the trial is likely to take considerable time, this Court is inclined to grant regular bail to the applicant.

7. Let applicant, **Namdas Kosle**, involved in Crime No. 99/2026, registered at Police Station Palari, District – Balodabazar - Bhatapara (C.G.) for the offence punishable under Sections 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.

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**

Abhishek