



2026:CGHC:23083



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 3382 of 2026

Shaniram Mahant S/o Hanudas Mahant Aged About 40 Years R/o Village-
Jabalpur Tehsil Kharsiya Distt- Raigarh (C.G.) **... Applicant**

versus

State Of Chhattisgarh Through P.S. Bhupdeopur District- Raigarh (C.G.)
...Non-applicant

For Applicant	: Ms. Shreya Jaiswal, Advocate.
For Non-applicant/State	: Ms. Ritika Verma, Panel Lawyer.

Hon'ble Shri Ramesh Sinha, Chief Justice

Order on Board

14.05.2026

1. This is the first bail application filed under Section 483 of the Bhartiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to the applicant who has been arrested in connection with Crime No. 37/2026 registered at Police Station – Bhupdeopur District- Raigarh (C.G.), for the offences punishable under Section 34(2) & 59(a) of the C.G. Excise Act.
2. Case of the prosecution, in brief, is that on 14.03.2026, the concerned



police officials of P.S. Bhupdeopur, Distt. Raigarh (C.G.) during routine petrolling received information from an informer that the applicant had been selling Raw Mahua Liquor at his house. Based on the said information, a raid was conducted and 40 bulk litres of Mahua Liquor was seized from the possession of the applicant amounted to Rs. 4000/- and on notice with regard to seized liquor the applicant did not produce any documents, therefore, an offence under section 34(2), 59(a) of Excise Act was registered and the applicant was subsequently arrested.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the present case. It is submitted that the applicant has neither committed any offence nor was he ever engaged in selling liquor, and specifically, he was not selling mahua liquor at the alleged date, time and place as stated by the prosecution. There is no cogent evidence regarding seizure of any liquor from the possession of the applicant. It is further submitted that no criminal case is presently pending against the applicant and the earlier cases, if any, have already been disposed of. The applicant is not a habitual offender or criminal by nature, and his continued incarceration with hardened criminals may adversely affect his mental and physical well-being. The applicant is aged about 58 years and is the sole breadwinner of his family; therefore, denial of bail would cause grave prejudice and irreparable hardship to his family. The applicant has been in judicial custody since 14.03.2026, the investigation is still pending, the charge-sheet has not yet been filed, and the matter is likely to take considerable time for conclusion. The applicant is a permanent resident of the address mentioned in the



cause title, there is no likelihood of his absconding or tampering with prosecution evidence, and he is ready and willing to furnish adequate surety and abide by all such terms and conditions as may be imposed by this Hon'ble Court.

4. On the other hand, learned State Counsel opposes the bail application of the present applicant and submits that the applicant has six previous criminal antecedent, therefore, he is not entitled to the grant of regular bail.
5. I have heard learned counsel for the parties and perused the case diary.
6. Considering the overall facts and circumstances of the case, the nature and gravity of the offence alleged against the applicant, and further taking into account the period of detention, as the applicant has remained in judicial custody since 14.03.2026, and the fact that the charge-sheet has already been filed before the competent Court, and that the conclusion of the trial is likely to take considerable time, this Court is inclined to grant regular bail to the applicant.
7. Let the Applicant – **Shaniram Mahant**, involved in Crime No. 37/2026 registered at Police Station – Bhupdeopur District- Raigarh (C.G.), for the offences punishable under Section 34(2) & 59(a) of the C.G. Excise Act, be released on bail on his 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 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 concerned for necessary information and compliance forthwith.

Sd/-

(Ramesh Sinha)
Chief Justice