



2026:CGHC:19142

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****MCRC No. 3235 of 2026**

- Omprakash Sinha S/o Krishna Kumar Sinha Aged About 35 Years
R/o Bhaluchuva, Police Station- Magarlod, District- Dhamtari, (C.G.)

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

- State of Chhattisgarh Through- The Station House Officer, Police of
Police Station Magarlod, District- Dhamtari (C.G.)

... Respondent(s)**(Cause title is taken from Case Information System)**

For Applicant(s) : Mr. Anil Gulati, Advocate

For Respondent(s) : Ms. Ritika Verma, Panel Lawyer

Hon'ble Shri Ramesh Sinha, Chief Justice**Order on Board****25.04.2026**

1. The applicant has preferred this First Bail Application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail, as he has been arrested in connection with Crime No. 29/2026, registered at Police Station – Magarlod, District – Dhamtari (C.G.) for the offence punishable under Section 34(2) of C.G. Excise Act.
2. The case of the prosecution, is that on 11-02-2026, the police has received secrete information that in a Car bearing Registration Number CG-05/AQ- 0938, the liquor was transporting and on the



basis of such information, the police intercepted the Car and seized total 127.08 bulk liter illicit liquor from the joint possession of three accused persons i.e. Keshav Das Sonwani, Durgesh Sonwani, Lalit Kumar Mahanand, subsequently the memorandum statement of co-accused Keshav Das Sonwani (one of the accused, who was arrested from the spot) was recorded in which he stated that he along with his two friends i.e. Lalit Mahanand Durgesh Sonwani used to involve in the smuggling of liquor and thereafter they all went to Borsi Liquor Shop. It is alleged that the present applicant, who is posted as Manager in the Borsi Liquor shop demanded Rs.100/- extra for each box and thereafter they gave sum of Rs.2500/- to the present applicant and when they were going to sale the liquor, in the mid way, the police arrested the three of the accused persons and the present applicant has been implicated for the commission of alleged offence as his name appears in the memorandum statement of the co-accused Keshav Das Sonwani.

3. It is argued by the learned counsel for the applicant that the applicant is innocent and has been falsely implicated in this case and there is no criminal antecedents registered against the present applicant. It is further submitted that only on the basis of memorandum statement of co-accused persons, the name of present applicant has been implicated for the commission of alleged offence, the charge-sheet has been filed in this case. He further submits that under Section 34(2) of the Excise Act, minimum punishment is one year and maximum punishment is three years. He also submits that initially applicant preferred an anticipatory bail before this Hon'ble Court which was registered as MCRCA No.381 of 2026 which was dismissed vide this Court's order dated 25.03.2026 as not



maintainable in view of the Section 59(A)(i) of Chhattisgarh Excise Act, thereafter applicant surrendered himself on 25.03.2026. The applicant is in jail since 25.03.2026 and trial is likely to take some time for its conclusion, therefore, he prays for grant of bail.

4. On the other hand, the learned State counsel opposes the bail application and submits that there is no criminal antecedents registered against the present applicant, and the charge-sheet has been filed in this case. It is further submitted that a total of 127.08 bulk liter illicit liquor has been seized from the joint possession of the present applicant and other three accused persons and upon their memorandum statement, name of the present applicant is came in to light, therefore, he is not entitled for grant of bail.
5. I have heard learned counsel for the parties and perused all of the documents available on record.
6. Taking into consideration the facts and circumstances of the case, nature and gravity of allegation levelled against the applicant and the fact that there is no any criminal antecedents registered against the present applicant, charge-sheet has been filed against the applicant and he is in jail since 25.03.2026 and conclusion of the trial is likely to take some time, I am inclined to allow this application.
7. Let applicant, **Omprakash Sinha**, involved in Crime No.29/2026, registered at Police Station – Magarlod, District – Dhamtari (C.G.) for the offence punishable under Section 34(2) of C.G. Excise Act, be released on bail on his furnishing **a 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 send a certified copy of this order to the trial Court concerned for necessary information and compliance forthwith.

Sd/-
(Ramesh Sinha)
Chief Justice

Vaishali