



2026:CGHC:22662



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NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****MCRC No. 3443 of 2026**

- Shankar Prasad S/o Shiv Prasad Aged About 45 Years R/o Ward No. 02, Dallirajhara, Police Station Dallirajhara, District- Balod (C.G.)

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

- State of Chhattisgarh Through Station House Officer, Police Station Doundi, District- Balod (C.G.) (Wrongly Mentioned As District Magistrate , Balod In Cause Title Of Impugned Order)

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

For Applicant(s) : Ms. Sweksha Sharma, Advocate

For Respondent(s) : Ms. Ankita Shukla, Panel Lawyer

Hon'ble Shri Ramesh Sinha, Chief Justice**Order on Board****13.05.2026**

- 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. 30/2026, registered at Police Station – Doundi, District – Balod (C.G.) for the offence punishable under Section 34(2) of C.G. Excise Act.
- The case of the prosecution, is that, an information was received by the police on 05.02.2026, that some person is selling liquor in a small hut near the road side. That, when the police went to the spot the person selling the alcohol ran away after which 41.040 bulk litres



of country made liquor and 5 litres of mahua liquor was seized from the spot. The FIR was registered against unknown person.

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 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. The applicant is in jail since 24.03.2026 and trial is likely to take some time for its conclusion. She contended that the wife of the applicant is receiving treatment of cancer from AIIMS, Raipur and is receiving regular chemotherapy sessions. A copy of the medical record is annexed herewith as Annexure-A/3. 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 41.040 bulk litres of country made liquor and 5 litres of mahua liquor has been seized from the possession of the present applicant, 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 24.03.2026 and conclusion of the trial is likely to take some time, I am inclined to allow this application.

7. Let applicant, **Shankar Prasad**, involved in Crime No.30/2026, registered at Police Station – Doundi, District – Balod (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



2026:CGHC:22662

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