



2026:CGHC:22368



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 3286 of 2026

Hemlal Rathiya S/o. Ramo Rathia Aged About 19 Years Occupation- Cultivator And Labour, Case-Kanwar, R/o.- Village- Karrikachhar, Police Station And Tahsil-Gharghoda, District- Raigarh (C.G.)

... Applicant

versus

State Of Chhattisgarh Through- Station House Officer, Police Station- Gharghoda, District- Raigarh (C.G.)

... Non-applicant

For Applicant : Mr. Ajeet Kumar Yadav, Advocate

For State /Non-applicant : Mr. Shubham Bajpai, P.L.

Hon'ble Shri Ramesh Sinha, Chief Justice

Order on Board

12.05.2026

- The applicant has preferred this First Bail Application under Section 483 of The Bharatiya Nagarik Suraksha Sanhita (BNSS) for grant of regular bail, as he has been arrested in connection with Crime No.103/2026, registered at Police Station:Gharghoda, District-Raigarh (C.G.) for the offence



punishable under Sections 34(2) and 59(A) of the C.G. Excise Act.

2. Case of the prosecution, in brief, on 23.03.2026, Head Constable Bhenansiyus received secret information from an informant to the effect that the applicant was illegally possessing Mahua liquor for the purpose of sale. Acting upon the said information, the police personnel proceeded to the spot and conducted a raid at the house of the applicant. During the course of search, the police allegedly recovered 70 litres of Mahua liquor from the field situated adjacent to the house of the applicant. Thereafter, considering the alleged possession and storage of illicit liquor, the police registered the offence under Sections 34(2) and 59(A) of the Excise Act against the applicant and arrested him in connection with the aforesaid crime.
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 not 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 23.03.2026 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 not been filed in this case. It is further submitted that a total of 70 liters 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 not been filed against the applicant and he is in jail since **23.03.2026** and conclusion of the trial is likely to take some time, I am inclined to **allow** this application.



7. Let applicant, **Hemlal Rathiya**, involved in Crime No.103/2026, registered at Police Station: Gharghoda, District-Raigarh (C.G.) for the offence punishable under Sections 34(2) and 59(A) of the 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

Arpan