



2026:CGHC:21024

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 3241 of 2026

Ajay Dhivar S/o Shri Shital Dhivar Aged About 21 Years R/o Ward No. 10,
Kharora, P.S.- Kharora, District- Raipur (CG)

... **Applicant**

versus

State of Chhattisgarh Through- Station House Officer, Police Station- Kharora,
District- Raipur (CG)

... **Non-applicant**

For Applicant	:	Mr. B.L. Sahu, Advocate.
For Non-applicant/State	:	Ms. Ankita Shukla, Panel Lawyer.

Hon'ble Mr. Ramesh Sinha, Chief Justice

Order on Board

05.05.2026

1. This is the first bail application filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to the applicant who has been arrested in connection with Crime No. 56/2026 registered at Police Station Kharora, District Raipur (C.G.), for the offence punishable under Section 34(2) of the Chhattigarh Excise Act.
2. As per the prosecution story, in brief, the police, during patrolling, received information from an informant that on the date of the incident, an unknown person was in possession of illegal liquor for the purpose of sale. Acting upon the said information, the police seized 181 litres and 440 ml of country-made and foreign liquor from the place of incident,

which was an open area. The applicant failed to produce any documents in respect of the seized liquor, and hence, the police registered a case for the offence punishable under Section 34(2) of the Excise Act against the applicant.

3. Learned Counsel for the applicant submits that the present applicant has been falsely implicated in this case. He also submits that under Section 34(2) of the C.G. Excise Act, minimum punishment is one year and maximum punishment is three years and the present applicant has been in jail since 27.01.2026. He further submits that the applicant has no criminal antecedents. He further submits that the other co-accused persons, namely, Haleshwar Sahu and Chandrashekhar Sahu have already been granted regular bail by this Court in MCRC No. 1921 of 2026 vide order dated 15.04.2026, therefore, the present applicant is also entitled to be grant of regular bail on the ground of parity.
4. On the other hand, learned counsel for the State opposes the bail application and submits that the charge-sheet has not yet been filed before the competent Court in the present case. However, she could not dispute the fact that identically situated co-accused persons have already been granted regular bail by this Court.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Taking into consideration the facts and circumstances of the case, the nature and gravity of the allegations levelled against the present applicant, and further considering that similarly situated co-accused persons, namely Haleshwar Sahu and Chandrashekhar Sahu, have already been granted regular bail by this Court in MCRC No. 1921 of 2026 vide order dated 15.04.2026, this Court is of the view that the

applicant is entitled to be released on bail in the present case on the ground of parity.

7. Let the applicant – **Ajay Dhivar**, involved in Crime No. 56/2026 registered at Police Station Kharora, District Raipur (C.G.), for the offence punishable under Section 34(2) of the Chhattigarh 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**

Abhishek