



2026:CGHC:17201

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****MCRC No. 3373 of 2026**

Akhlesh Toppo S/o Shri Viliyam Toppo Aged About 40 Years Caste Uranw R/o Village Ghoghar, Tahsil Kansabel, Police Station Kansabel, District- Jashpur (C.G.)

... Applicant**versus**

State of Chhattisgarh Through Excise Circle Kansabel, District- Jashpur (C.G.)

... Non-applicant

For Applicant(s) : Ms. Prachi Diwan, Advocate

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

Hon'ble Shri Ramesh Sinha, Chief Justice**Order on Board****15.04.2026**

1. 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. 133/2026, registered at Police Station – Excise Circle Kansabel, District – Jashpur (C.G.) for the offences punishable under Sections 34(1)(A)(F), 34(2) and 59(A) of the C.G. Excise Act.
2. As per the prosecution story, as mentioned in the rejection order of bail, the crime has been registered by the Excise Circle, Kansabel. Since the case was registered by the Excise authorities, no formal FIR was lodged, instead, a checklist was prepared. As the FIR is not available (not



lodged) in the present case, the applicant seeks exemption from filing the FIR along with this bail application. It is alleged that on 11.02.2026, at about 11:20 AM, the accused, at his residential house situated in Village Ghoghar Evtatoli, was found in possession of 24 bulk litres of handmade Mahuwa liquor kept in a 25-litre jerrycan, and 35 kg of Mahuwa Lahan (a mixture of water and Mahuwa used for fermentation) kept in a steel drum, along with another 35 kg of Mahuwa Lahan kept in a plastic bucket. During the investigation, the authorities seized 24 bulk litres of handmade Mahuwa liquor and 70 kg of Mahuwa Lahan from the possession of the accused. Thereafter, a case was registered against the present applicant.

3. It has been argued by the learned counsel for the applicant that the applicant is innocent and has been falsely implicated in this case. She further submits that the applicant is languishing in jail since 11.02.2026, though the charge-sheet has been filed, but the trial is likely to take some time for its conclusion. She later submits that applicant has no previous criminal antecedent registered against him. She lastly submits that under Section 34(2) of the Chhattisgarh Excise Act, minimum punishment is one year and maximum punishment is three years, therefore, she prays grant of bail.
4. On the other hand, learned counsel for the State opposes the bail application of the applicant but could not dispute that the fact that the applicant has no previous criminal antecedents registered against him.
5. Taking into consideration the facts and circumstances of the case, nature and gravity of allegation levelled against the applicant, quantity of liquor seized and the fact that applicant has no previous criminal antecedents registered against him, charge-sheet has already been filed and he is in jail since 11.02.2026 and conclusion of the trial is likely to take some time



hence, I am inclined to **allow** this application.

6. Let applicant, **Akhlesh Toppo**, involved in Crime No. 133/2026, registered at Police Station – Excise Circle Kansabel, District – Jashpur (C.G.) for the offences punishable under Sections 34(1)(A)(F), 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 them 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 Bharatiya Nyaya Sanhita 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 Section 209 of 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



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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.

7. Office is directed to provide a certified copy of this order to the trial Court concerned for necessary information and compliance forthwith.

Sd/-

**(Ramesh Sinha)
Chief Justice**

Abhishek