



2026:CGHC:18781



2026:CGHC:18781

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 3515 of 2026

Jagdish Sarthi S/o Late Bhagirathi Sarthi Aged About 56 Years R/o Village Barliya, Police Station Chakradhar Nagar, Raigarh, Tehsil And District Raigarh, Chhattisgarh

... Applicant

versus

State Of Chhattisgarh Through Station House Officer, Police Station Chakradhar Nagar, District Raigarh, Chhattisgarh

... Respondent

For Applicant : Shri Prabhat Kumar Saxena, Advocate.

For : Smt. Smriti Shrivastava, PL.

Respondent/State

Hon'ble Mr. Ramesh Sinha, Chief Justice

Order on Board

23/04/2026

1. This is the first bail application filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the applicant who has been arrested in connection with Crime No.115/2026 registered at Police Station Chakradhar Nagar, District



Raigarh (C.G.) for the offence punishable under Sections 34(2), 59 (क) of Excise Act.

2. Case of the prosecution, in brief, is that on 23.03.2026, during town patrolling duty by Chakradhar Nagar Police Station staff, including Constable 793 Shanti Kumari Miri and Lady Constable 458 Anita Beck, an informer reported that Jagdish Sarathi of Village Baraliya was illegally storing raw mahua liquor for sale at his residence. Acting on this information, police prepared an informer information panchanama in the presence of witnesses. The accused was apprehended near his house and identified as Jagdish Sarathi. On search of the backyard of his house, police recovered approximately 51 litres of raw mahua liquor stored in multiple plastic containers of varying capacities (10-litre jerrycan, 5-litre jerrycans, and 2-litre bottles), all allegedly meant for sale. The accused failed to produce any valid licence or documents under Section 94 of the BNSS. The liquor, valued at approximately Rs. 10,200/-, was seized on the spot in the presence of witnesses and confiscation proceedings were conducted. A case was registered as Crime No. 115/2026 at Police Station Chakradhar Nagar under Sections 34(2) and 59(a) of the Excise Act. The present bail application arises from the said FIR.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case and 51 bulk litres of raw mahua liquor was not seized from the exclusive possession of the applicant. He further submits that under Section 34(2) of the C.G. Excise Act, minimum punishment is one year and maximum punishment is three years. He would further submit that marriage of the son of the applicant



is going to be performed on 29/04/2026 and marriage function would start from 27/04/2026. He also submits that charge sheet has been filed in this case, applicant is in jail since 23/03/2026 and the conclusion of the trial is likely to take quite long time. Therefore, he prays for grant of regular bail to the applicant.

4. Learned counsel for the State/non-applicant would oppose the bail application. However, upon verification she would submit that the fact of marriage of son of the applicant is true. She further submits that 51 bulk litres of raw mahua liquor was recovered from the possession of the applicant, therefore, he is not entitled for grant of bail.
5. I have heard learned counsel appearing for the parties and perused the materials available on record.
6. Taking into consideration the facts and circumstances of the case, submission of learned counsel for the parties, materials available on record, nature and gravity of allegation levelled against the applicant, he is in jail since 23/03/2026, charge-sheet has been filed as stated by learned counsel for the applicant at bar and further considering the fact that conclusion of trial may take some more time, therefore this Court is of the view that the applicant is entitled to be released on bail in this case.
7. Accordingly, the bail application is allowed and it is directed that the applicant - **Jagdish Sarthi**, involved in Crime No.115/2026 registered at Police Station Chakradhar Nagar, District Raigarh (C.G.) for the offence punishable under Sections 34(2), 59 (क) of 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. In view of the above, I.A. No.01/2026 application for grant of ad-interim bail stands disposed of.
9. Office is directed to send a certified copy of this order to the trial Court for necessary information and compliance forthwith.

Sd/-
(Ramesh Sinha)
Chief Justice

gouri