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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 3714 of 2026

1 - Sartik Jamindar S/o Samaru Jamindar Aged About 50 Years R/o Village Kodadipa Police Station Sankara, Tahsil Pithoura District- Mahasamud (C.G.)

2 - Devendra Kumar Jamindar S/o Shivcharan Jamindar Aged About 26 Years R/o Village Kodadipa Police Station Sankara, Tahsil Pithoura District- Mahasamud (C.G.)

3 - Srikant Jamindar S/o Kartik Jamindar Aged About 19 Years R/o Village Kodadipa Police Station Sankara, Tahsil Pithoura District- Mahasamud (C.G.)

...Applicants

versus

State Of Chhattisgarh Through Station House Officer, P.S. Sankara, District- Mahasamund (C.G.)

... Non-applicant

For Applicant : Mr. Shashwat Namdeo, Advocate.

For Non-applicant/State : Mr. Shubham Bajpai, Panel Lawyer.

Hon'ble Shri 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 applicants who have been arrested in connection with Crime No. 29/2026 registered at Police Station - Sankara, District-Mahasamund(C.G.) for the offence punishable under Section 34(2) of the C.G. Excise Act.

2. According to the prosecution, the police of Police Station Sankara, has received a secret information from the informant during the routine patrolling that 3 persons had illegally kept the country made Mahua liquor and were waiting for customers to sale. Upon this information police made a raid and seized 45 ltrs. Of country made liquor and registered the alleged case U/s 34(2) of CG Excise Act against the applicants and arrested them
3. Learned counsel for the applicants submits that the applicants have been falsely implicated in this case. It is further submitted that a false seizure memo has been prepared by the police of Police Station Sankara, District Mahasamund (C.G.) to falsely implicate the applicants, and there is no evidence to show that the alleged liquor was recovered from their exclusive possession. The applicants have been in custody since 13.02.2026, and the trial is likely to take considerable time for its conclusion. The alleged offence is triable by the Judicial Magistrate First Class and is not punishable with death or life imprisonment, and therefore, prolonged detention of the applicants is unwarranted. It is further submitted that the evidence collected by the prosecution is not sufficient, even *prima facie*, to establish the guilt of the applicants. The applicants are permanent residents of the address mentioned in the cause title, and there is no likelihood of their absconding or tampering with the prosecution evidence. They are



ready to furnish adequate surety and undertake to abide by all directions and conditions that may be imposed by this Hon'ble Court.

4. On the other hand, learned counsel appearing for the State/non-applicant opposes the bail application and submits that the charge-sheet has already been filed before the competent 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 applicants, the fact that they have no criminal antecedents, and also considering that the charge-sheet has been filed before the competent Court and that the applicants have been in judicial custody since 13.02.2026, and further that the conclusion of the trial is likely to take considerable time, I am inclined to grant regular bail to the present applicants.
7. Let the Applicants - **Sartik Jamindar, Devendra Kumar Jamindar** and **Srikant Jamindar**, involved in Crime No. 29/2026 registered at Police Station - Sankara, District- Mahasamund(C.G.) for the offence punishable under Section 34(2) of the C.G. Excise Ac, be released on bail on furnishing **personal bond** with **two local sureties each** in the like sum to the satisfaction of the Court concerned with the following conditions:-

(i) The applicants shall file an undertaking to the effect that they 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 applicants shall remain present before the trial court on each date fixed, either personally or through



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their counsel. In case of their absence, without sufficient cause, the trial court may proceed against them under Section 269 of Bharatiya Nyaya Sanhita.

(iii) In case, the applicants misuse the liberty of bail during trial and in order to secure their presence, proclamation under Section 84 of BNSS. is issued and the applicants fail to appear before the court on the date fixed in such proclamation, then, the trial court shall initiate proceedings against them, in accordance with law, under Section 209 of the Bharatiya Nyaya Sanhita.

(iv) The applicants 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 applicants are 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 them 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

**Sd/-
(Ramesh Sinha)
Chief Justice**

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