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NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****MCRC No. 4204 of 2026**

Kshamanidhi Sao S/o- Sahdev, Aged About 58 Years R/o-Village
Kudaribahra, Police Station - Basna, District- Mahasamund (C.G.)

... Applicant(s)**versus**

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

... Respondent(s)

For Applicant(s) : Mr. Kishore Narayan, Advocate.

For Respondent(s) : Mr. Priyank Rathi, Government Advocate.

Hon'ble Mr. Ramesh Sinha, Chief Justice**Order on Board****06/05/2026**

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. 56/2026 registered at Police Station Basna, District- Mahasamund (C.G.) for the offence punishable under Section 316(5) of Bharatiya Nyaya Sanhita (for short



‘BNS’).

2. Case of the prosecution, in brief, is that on 23.01.2026, a joint team of the Revenue and Mandi Department conducted a surprise inspection at the paddy procurement centre situated at Kurudgudi, District Mahasamund. During the inspection, physical verification of the paddy stock was carried out, wherein it was allegedly found that there was a shortage of 3,325 bags of paddy, equivalent to approximately 1,330 quintals. It is further alleged that as per the stock register, a total of 52,958 bags of paddy were required to be available at the procurement centre, however, upon physical verification, only 49,633 bags were found, thereby indicating the aforesaid shortage. On the basis of such discrepancy, it has been alleged that the applicant, being responsible for the management of the procurement centre, committed irregularities causing financial loss to the Government to the tune of approximately Rs.41,23,000/-. On the basis of the said allegations and preliminary verification report, the present FIR bearing Crime No. 56/2026 has been registered at Police Station Basna against the applicant. Hence, the bail application.
3. Learned counsel for the applicant submits that the applicant has not committed any offence and he has been falsely implicated in offence in question. He further submits that the alleged shortage of paddy is based solely on a preliminary physical verification conducted in haste and not on any final reconciliation of stock



registers, lifting records, and distribution. On the date of inspection, due to a visit of the Collector, the counting was hurriedly carried out while the paddy was lying scattered, leading to an incorrect assessment. It is settled that without proper reconciliation, no conclusive finding of shortage can be drawn. He also submits that the entire stock of paddy had already been lifted through rice mills and government agencies, and therefore the alleged shortage is neither actual nor final. The applicant himself requested re-verification of the stock, upon which the Collector appointed a nodal officer, Suraj Sidar, along with other officials to conduct a fresh verification. He later submits that during the re-verification conducted on 15.02.2026, it was found that out of total 1,25,404 bags purchased, 69,550 bags had been dispatched to rice millers and storage centres, and 55,400 bags were physically available at the procurement centre, leaving a marginal shortage of only 454 bags (181.60 quintals). This clearly demonstrates that the earlier report was incorrect. A panchnama and physical verification memo dated 15.02.2026 have been prepared, copies of which are filed as *Annexure A/3 (Colly.)*. The applicant is in jail since 06.03.2026, the applicant has no criminal antecedent, charge-sheet has been filed and the trial is likely to take some time for its conclusion. Therefore, he prays for grant of bail to the applicant.

4. On the other hand, learned State Counsel opposes the bail application and submits that the charge-sheet has been filed in



the present case. He further submits that the allegation against the present applicant is that, being in charge of the paddy procurement centre, he failed to maintain proper stock and thereby caused a shortage of 3,325 bags of paddy during inspection, such discrepancy amounts to irregularities in management of stock, resulting in financial loss to the Government to the tune of approximately Rs.41,23,000/-. Therefore, the applicant is not entitled for grant of bail.

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, nature and gravity of offence, period of detention of the applicant since 06.03.2026, the fact that though allegedly the applicant is being responsible for the management of the paddy procurement centre, he failed to maintain proper stock, resulting in a shortage of 3,325 bags of paddy during inspection, thereby committing irregularities and causing financial loss to the Government to the tune of approximately Rs.41,23,000/-, but considering the fact that the applicant has no criminal antecedents and charge-sheet has been filed, this Court is of the view that the applicant is entitled to be released on bail in this case.
7. Accordingly, the application is **allowed**.
8. Let the Applicant-**Kshamanidhi Sao**, involved in Crime No. 56/2026 registered at Police Station Basna, District- Mahasamund



(C.G.) for the offence punishable under Section 316(5) of BNS, 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



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accordance with law.

9. Office is directed to send a certified copy of this order to the trial Court for necessary information and compliance.

Sd/-

(Ramesh Sinha)

CHIEF JUSTICE

Akhil