



2026:CGHC:21684

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****MCRC No. 4335 of 2026**

Ashok Sinha S/o Paltan Sinha Aged About 45 Years R/o Village Chaknar (Narmada), Tahsil And Police Station Gandai, District Khairagarh Chhuikhadan Gandai (K.C.G.) Chhattisgarh.

... Applicant**versus**

State of Chhattisgarh Through The Police Station Gandai, District Khairagarh Chhuikhadan Gandai (K.C.G.) Chhattisgarh.

... Non-applicant

For Applicant	: Mr. Siddharth Pandey, Advocate
For Non-Applicant/State	: Mr. Shubham Bajpai, Panel Lawyer

Hon'ble Shri Ramesh Sinha, Chief Justice**Order on Board****08.05.2026**

1. The applicant has preferred this First Bail Application under Section 483 of B.N.S.S. for grant of regular bail, as he has been arrested in connection with Crime No. 128/2026, registered at Police Station- Gandai, District- Khairagarh Chhuikhadan Gandai (K.C.G.), (C.G) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.
2. The prosecution story in brief, is that, as per the secret information received from the informant, on the basis of such information, the



police officials conducted raid and have seized 5.040 bulk liters of country made liquor from the possession of the present applicant. Thereafter, the crime has been registered against the applicant.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in this case and no seizure has been made from the exclusive possession of the applicant. He further submits that the present applicant has 03 criminal antecedents under the Excise Act of the year 2021 and 2022 out of which 01 case has already been disposed of and two cases are pending. He also submits that under Sections 34(2) of the Chhattisgarh Excise Act, minimum punishment is one year and maximum punishment is three years and the applicant is languishing in jail since 16.04.2026, the charge-sheet has been submitted before the competent Court, and the conclusion of the trial is likely to take quite long time. Therefore, he prays for releasing the applicant on regular bail.
4. On the other hand, learned State Counsel appearing for the State/non-applicant opposes the bail application and submits that in the present case charge-sheet has not been filed before the competent Court. He also submits that the present applicant has total 03 criminal antecedents of the similar nature, out of which 02 cases are pending, which shows that the present applicant is a habitual offender. As such, he is not entitled for grant of bail.
5. I have heard learned counsel for the parties and perused the case diary.



6. Considering the facts and circumstances of the case also considering the fact that the applicant has total has 03 criminal antecedents under the Excise Act of the year 2021 and 2022, out of which only 01 case has been disposed of and two cases are pending, shows that the present applicant is a habitual offender and also in light of the judgment rendered by the Hon'ble Supreme Court in ***Deepak Yadav v. State of Uttar Pradesh & Another***, reported in ***(2022) 8 SCC 559***, wherein the Hon'ble Supreme Court had cancelled the bail granted to the accused therein on the ground that the accused had previous antecedents, this Court is of the opinion that it is not a fit case to enlarge the applicant on regular bail.
7. Accordingly, the bail application of the applicant – **Ashok Sinha**, involved in Crime No. 128/2026, registered at Police Station- Gandai, District- Khairagarh Chhuikhadan Gandai (K.C.G.), (C.G) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act, is **rejected**.
8. Needless to say that the trial Court concerned is at liberty to proceed and conclude the trial expeditiously.
9. 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

Rahul Dewangan