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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 6129 of 2026

Jitendra Kumar Vishwakarma S/o- Krantilal Vishwakarma, Aged About 22 Years Resident Of Near Railway Fatak Kusmunda, Police Station Dipka, District- Korba (C.G.)

... **Applicant**

versus

State Of Chhattisgarh Through Police Station Dipka, District- Korba (C.G.)

... **Non-applicant**

For Applicant	: None.
For Non-Applicant	: Mr. Malay Jain, Panel Lawyer.

Hon'ble Mr. Ramesh Sinha, Chief Justice

Order on Board

10.07.2026

1. None appears nor is any representation made on behalf of the applicant to press this bail application when the case is called twice.
2. It transpires from the record that the applicant is in jail since 17.03.2026. Hence, the Court proceeds to consider and hear the bail application of the applicant with the assistance of the State counsel.
3. This is the first bail application filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to the applicant who has been arrested in connection with Crime No.



0114/2026 registered at Police Station - Dipka District- Korba (C.G.)
for the offence punishable under Sections 3(5),303(2),336(3),338,
340,329 of the Excise Act.

4. As per the prosecution case, acting on credible information, the police intercepted a Bolero vehicle and conducted its search. During the search, four jerry cans containing approximately 80 litres of suspected stolen diesel and one pipe allegedly used for extracting diesel were recovered from the vehicle. On interrogation, the apprehended person disclosed his identity as Jitendra Kumar Vishwakarma, the present applicant. It is alleged that the applicant was found in conscious possession of the recovered diesel and the implements used for its extraction. Consequently, the applicant, along with the Bolero vehicle, the four jerry cans containing about 80 litres of diesel, and the pipe, was brought to the Police Station. Thereafter, Crime No. 0114/2026 was registered against the applicant for the offences punishable under Sections 303(2), 329, 336(3), 338, 340 and 3(5) of the Bharatiya Nyaya Sanhita. The applicant was arrested on 17.03.2026 and, after completion of the necessary formalities, was remanded to judicial custody.
5. On the other hand, learned State counsel opposes the bail application and submits that stolen diesel and the pipe used for extracting diesel were recovered from the possession of the applicant. Considering the nature and gravity of the allegations and the material collected during the investigation, it is submitted that the applicant is not entitled to be released on bail.
6. I have heard learned State counsel and perused the case diary.



7. Considering the facts and circumstances of the case, the nature and gravity of the offence levelled against the present applicant, and also taking into account that the applicant has no criminal antecedent, that the charge-sheet has been filed before the competent Court, and the applicant has been in jail since 17.03.2026, and that the conclusion of the trial may take some more time, this Court is of the considered opinion that the applicant is entitled to be released on bail in the present case.
8. Let the Applicant – **Jitendra Kumar Vishwakarma**, involved in Crime No. 0114/2026 registered at Police Station - Dipka District - Korba (C.G.) for the offence punishable under Sections 3(5), 303(2), 336(3), 338, 340, 329 of the Excise Act, be released on bail on his furnishing **personal bond** with **two local 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



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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.

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**

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