



2026:CGHC:35054



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NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****MCRC No.5808 of 2026**

1 - Kundan Tandi S/o Mohanlal Tandi Aged About 22 Years R/o Village Paikin P.S. Singhoda, District Mahasamund, Chhattisgarh.

2 - Karan Chouhan S/o Bhagbhatiya Chouhan Aged About 22 Years R/o Village Chakrada, P.S. Saraipali, Mahasamund, Chhattisgarh.
... Applicants

versus

State Of Chhattisgarh Through Station House Officer, Police Station Saraipali, District Mahasamund, Chhattisgarh.

... Non-applicant

For Applicants :Mr. Ajay Kumar Chandra, Advocate.

For Non-applicant/State :Ms. Ritika Verma, PL.

Hon'ble Shri Ramesh Sinha, Chief Justice

Order on Board**10.08.2026**

1. The Applicants have preferred this 1st Bail Application under



Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023

for grant of regular bail, as they have been arrested in connection with Crime No.196/2026 registered at Police Station – Saraipali, District Mahasamund (C.G.), for the offence under Section 34(2) of Excise Act.

2. Case of the prosecution, in brief, is that on 09.06.2026, while the police party was on town and rural patrolling for detection of offences, secret information was received that two persons were travelling from Village Arjunda towards Saraipali on a black, unnumbered Activa scooter, carrying illicit liquor in two sacks. Acting upon the said information, the police party, along with witnesses, proceeded to Village Joginipali and after conducting a raid and laying a cordon near Joginipali Road, intercepted two persons matching the description given by the informer. Upon being questioned, the person driving the scooter disclosed themselves to be Applicant No.1 and the person sitting behind him disclosed himself as Applicant No.2. Upon search, two white plastic sacks containing 30 litres each of illicit hand-distilled Mahua liquor, totalling 60 litres, were allegedly recovered from their possession. The liquor was duly recovered, seized in the presence of witnesses and sealed on the spot. The Applicants were served with notice under Section 94 of the BNSS to produce



valid documents regarding possession and sale of the liquor, to which they stated that they had no such documents. Accordingly, the aforesaid offence was registered against them. Hence this application.

3. Learned Counsel for the Applicants submits that the Applicants are innocent, have been falsely implicated in the present case and are in jail since 09.06.2026. 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 lastly submits that conclusion of trial is likely to take considerable time, therefore, the Applicants may be granted bail.
4. On the other hand, learned Counsel for the State opposes the bail application and submits that a total quantity of 60 litres of illicit liquor was recovered from the possession of the Applicants and that there are no previous criminal antecedents against them.
5. I have heard learned counsel for the parties and perused the case diary.
6. Considering the submissions advanced by learned Counsel for the parties, the material available in the case diary, the nature of allegations, the quantity of liquor allegedly seized, the period of custody of the Applicants since 09.06.2026, the



fact that there are no previous criminal antecedents against the Applicants and the fact that the trial is likely to take considerable time for its conclusion, without further commenting anything on the merits of the case, this Court is of the considered opinion that it is a fit case to allow the application. Accordingly, the bail application is **allowed**.

7. Let Applicants- **Kundan Tandi** and **Karan Chouhan** involved in Crime No.196/2026 registered at Police Station – Saraipali, District Mahasamund (C.G.), for the offence under Section 34(2) of Excise Act be released on bail on their furnishing a **personal bond** with **two sureties each** in the like sum to the satisfaction of the Court concerned with the following conditions:-

(i) The applicant/s shall file an undertaking to the effect that he/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 applicant/s shall remain present before the trial court on each date fixed, either personally or through his/their counsel. In case of his/their absence, without sufficient cause, the trial court may proceed against him/them under Section 269 of Bharatiya Nyaya Sanhita.

(iii) In case, the applicant/s misuse/s the liberty of bail during trial and in order to secure his/their presence, proclamation under Section 84 of BNSS. is issued and the applicant/s fail/s to appear before the court on the date fixed in



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such proclamation, then, the trial court shall initiate proceedings against him/tjhem, in accordance with law, under Section 209 of the Bharatiya Nyaya Sanhita.

(iv) The applicant/s 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/s 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/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 forthwith.

Sd/-

(Ramesh Sinha)
Chief Justice