



2026:CGHC:27193



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 5651 of 2026

Avinash Marbal S/o Shri Ramesh Kumar Marbal Aged About 25 Years
R/o Ward No. 13, Akaltara, Police Station Akaltara, District- Janjgir-
Champa (C.G.)

... Applicant(s)

versus

State Of Chhattisgarh Through- The Station House Officer, Police
Station Akaltara, District- Janjgir-Champa (C.G.)

... Respondent(s)

For Applicant(s) : Mr. Pushpendra Kumar Patel, Advocate.

For Respondent(s) : Ms. Monika Thakur, PL.

Hon'ble Mr. Ramesh Sinha, Chief Justice

Order on Board

02/07/2026

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. 257/2026 registered at Police Station Akaltara, District- Janjgir-Champa (C.G.) for the offence



punishable under Section 34(2) of C.G. Excise Act.

2. Case of the prosecution, in brief, is that as per secret information received from the informant the Police of concerned Police Station seized 17.200 bulk liters of country from the possession of the applicant, which led to the registration of alleged offence against the applicant and subsequently, the applicant was arrested. Hence the bail application.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case and 17.200 liters of country made liquor was not seized from the exclusive possession of the applicant. 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 also submits that the applicant has four criminal antecedents under the BNS, out of which, in three cases, applicant has already been acquitted by the learned trial Court and one case has been disposed, the applicant is in jail since 10.05.2026 and the conclusion of the trial is likely to take quite long time. Therefore, he prays for grant of regular bail to the applicant.
4. Learned counsel for the State/non-applicant would oppose the bail application and submit that the charge-sheet has been filed in the present case before the competent Court and the applicant has two criminal antecedents. She further submits that 17.200 bulk liters of the country made liquor was recovered from the



possession of the applicant. She also submits that the applicant has four criminal antecedents of the years 2023 and 2025 under the BNS, as such, the applicant is a habitual offender and is not entitled for grant of bail.

5. I have heard learned counsel appearing for the parties and perused the material available on record.
6. Taking into consideration the facts and circumstances of the case, nature and gravity of allegation levelled against the applicant and the fact that the applicant has four criminal antecedents under the BNS, out of which, in three cases, applicant has already been acquitted by the learned trial Court and one case has been disposed, further the is in jail since 10.05.2026 and the charge-sheet has been filed, further the conclusion of the trial may take some more time, as such, 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-**Avinash Marbal**, involved in Crime No. 257/2026 registered at Police Station Akaltara, District- Janjgir-Champa (C.G.) for the offence punishable under Section 34(2) of C.G. Excise Act, 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 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