



2026:CGHC:27938



CGHC010239792026



2026:CGHC:27938

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 5954 of 2026

Rahul Tiwari S/o Komal Tiwari Aged About 21 Years Village - Lakhaa,
District - Raigarh (C.G.)

... Applicant(s)

versus

State Of Chhattisgarh Through Excise Department Circle, Raigarh North,
District Raigarh (C.G.)

... Respondent(s)

For Applicant(s) : Ms. Aayushi Kulkarni, Advocate.

For Respondent(s) : Ms. Ankita Shukla, Panel Lawyer.

Hon'ble Mr. Ramesh Sinha, Chief Justice

Order on Board

07/07/2026

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. 03/2026 registered at Police Station Excise Department Circle, Raigarh North, District Raigarh (C.G.), for the offence punishable under Sections 34(2), 59(A) of the C.G. Excise Act.



- 2.** Case of the prosecution, in brief, is that on 11.04.2026, the Excise Department, acting on prior information, reached the applicant's house after obtaining his consent to conduct a search. During the search, 15 liters of country-made raw mahua liquor, valued at Rs. 3,000/-, was allegedly recovered and seized from the applicant's possession. Upon being asked to produce any valid licence or documents authorising possession of the said liquor, the applicant allegedly failed to do so. Accordingly, the recovered liquor was seized in the presence of witnesses, 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 15 bulk liters of country made liquor was not seized from the exclusive possession of the applicant. She further submits that under Section 34(2) of the C.G. Excise Act, minimum punishment is one year and maximum punishment is three years. She also submits that the applicant has one criminal antecedent of the year 2025 under the Excise Act, which is pending, further the applicant is in jail since 11.04.2026 and the conclusion of the trial is likely to take quite long time. Therefore, she 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 one criminal antecedent of the year 2025 under the Excise Act. She further submits that 15 bulk liters of the country made liquor was



recovered from the house of the applicant, 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 allegation levelled against the applicant and the fact that the applicant has only one criminal antecedent under the Excise Act, which is of the year 2025 and is pending, further the applicant is in jail since 11.04.2026 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 - **Rahul Tiwari**, involved in Crime No. 03/2026 registered at Police Station Excise Department Circle, Raigarh North, District Raigarh (C.G.), for the offence punishable under Sections 34(2), 59(A) of the 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 forthwith.

Sd/-
(Ramesh Sinha)
Chief Justice

Akhil