



CGHC010241312026



2026:CGHC:36045

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****MCRC No. 6299 of 2026**

Upendra Kumar Ratre Son Of Lala Ram Ratre, Aged About 30 Years
 Resident Of Village Toshgaon, P.S. Basna, District- Mahasamund
 Chhattisgarh. **... Applicant**

versus

State Of Chhattisgarh Through- Station House Officer, Police Station Basna,
 District- Mahasamund (C.G.) **...Non-applicant**

For Applicant	: Mr. Sudhir Kumar Sahu, Advocate.
For Non-applicant/State	: Mr. Shailendra Sharma, Panel Lawyer.

Hon'ble Shri Ramesh Sinha, Chief Justice**Order on Board****13.08.2026**

1. This is the first bail application filed under Section 483 of the Bhartiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to the applicant who has been arrested in connection with Crime No. 306/2026 registered at Police Station - Basna, District - Mahasamund (C.G.), for the offence punishable under Section 34(2) of the Excise Act.
2. The prosecution case, in brief, is that the police has received secret

information through informant is that on the date of incident 08.06.2026 the unknown person was kept illegal liquor to sell at near Imali Tree village Chimarkol, and police has seized 30 litres country made mahua liquor from place of incident at open place, and he did not produce any document of seized liquor and hence police has registered a case for offence punishable under section 34 (2) of C.G. Excise Act against the accused persons and after rejecting bail application of the applicant, this bail application is being preferred before the Hon'ble Court.

3. Learned counsel for the applicant submits that the applicant is innocent and has no nexus with the incident alleged by the prosecution. No illicit liquor or any other incriminating article has been seized from his possession, as the alleged seizure was made from an open place accessible to the general public. The applicant has been falsely implicated in the present case, and the concerned police officer has not properly investigated the matter or established any connection between the applicant and the seized country-made liquor. The applicant had no knowledge of the alleged illicit liquor and was not in possession thereof. It is further submitted that no *prima facie* case is made out against the applicant and there is no material to show any motive or intention on his part to commit the alleged offence. The applicant is in custody since 08.06.2026, on these grounds, learned counsel for the applicant prays that the applicant may kindly be enlarged on bail.
4. On the other hand, learned State Counsel opposes the bail application of the present applicant and submits that the applicant has one

previous criminal antecedent, therefore, he is not entitled to the grant of regular bail.

5. I have heard learned counsel for the parties and perused the case diary.
6. Considering the facts and circumstances of the case, the nature and gravity of the offence levelled against the applicant, and further taking into account the period of detention, as the applicant has remained in judicial custody since 08.06.2026, and the fact that the charge-sheet has already been filed before the competent Court, and that the conclusion of the trial is likely to take considerable time, this Court is inclined to grant regular bail to the applicant.
7. Let the Applicant – **Upendra Kumar Ratre**, involved in Crime No. 306/2026 registered at Police Station - Basna, District - Mahasamund (C.G.), for the offence punishable under Section 34(2) 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 she 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.

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