



2026:CGHC:33603



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 6156 of 2026

Hitendra @ Chhote S/o Bharat Lal Yadav Aged About 24 Years R/o Dewar
Para Ward No. 08, P.S. Kharora, District- Raipur (C.G.) ...**Applicant**

versus

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

For Applicant	: Mr. Rekhraj Baghel, Advocate.
For Non-applicant/State	: Ms. Palak Dwivedi, Panel Lawyer.

Hon'ble Shri Ramesh Sinha, Chief Justice

Order on Board

03.08.2026

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. 258/2026, registered at Police Station – Kharora, District - Raipur (C.G.) for the offence punishable under Sections 34(2) of the C.G. Excise Act.
2. Case of the prosecution in brief, is that, the police has received



information through informant during patrolling that on the date of incident, unknown person has kept illegal liquor in his possession to sale, and police has seized 8 litres 460 ML. country made liquor from place of incident at open place and applicant did not produce any document of seized liquor and hence police has registered a case for offence punishable under section 34(2) of Chhattisgarh Excise Act against the applicant and hence this bail application is being preferred before the Hon'ble Court.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the present case and has no nexus with the incident alleged by the prosecution. It is further submitted that no illicit liquor or any other incriminating article has been seized from the conscious and exclusive possession of the applicant, as the alleged liquor was seized from an open place, and the applicant has no knowledge or connection with the same. It is contended that the police have not properly investigated the matter and have mechanically implicated the applicant in a false case. Learned counsel further submits that the applicant is innocent, has no motive or intention to commit the alleged offence, and no *prima facie* case is made out against him. It is also submitted that the applicant has been in judicial custody since 03.06.2026, therefore, it is prayed that the applicant be enlarged on regular bail.
4. On the other hand, learned State Counsel opposed the bail application and submitted that the charge-sheet has already been filed. It was further submitted that the applicant has one criminal antecedent, therefore, the applicant is not entitled to the grant of 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 that the charge-sheet has already been submitted before the competent Court and the applicant has remained in jail since 03.06.2026, and the conclusion of the trial is likely to take some time, this Court is inclined to grant regular bail to the present applicant.
7. Let applicant, **Hitendra @ Chhote**, involved in Crime No. 258/2026, registered at Police Station – Kharora, District - Raipur (C.G.) for the offence punishable under Sections 34(2) of the C.G. Excise Act, be released on bail on 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.

8. Office is directed to provide 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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