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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 9305 of 2025

Gautam Jagat S/o Late Dular Singh Jagat Aged About 23 Years R/o
Bachhalikhurd P.S. Ratanpur, Tahsil Ratanpur, District- Bilaspur (C.G.)

...Applicant

versus

State Of Chhattisgarh Through Station House Officer, Police Station
Ratanpur, District- Bilaspur (C.G.)

... Non-applicant

For Applicant : Mr. Hariom Rai, Advocate.

For Non-applicant/State : Ms. Monika Thakur, Panel Lawyer.

Hon'ble Shri Ramesh Sinha, Chief Justice

Order on Board

20.01.2026

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. 718/2025, registered at Police Station - Ratanpur, District - Bilaspur (C.G.) for the offence punishable under Sections 34(2) of the Excise Act.



- 2.** According to the prosecution, the present offence has been registered against the accused at Police Station Ratanpur, District Bilaspur, vide Crime No. 718/2025 for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act, alleging that on 31.10.2025, during routine patrolling, the police party reached an open place within the jurisdiction of P.S. Ratanpur where three plastic jerrycans containing illicit hand-distilled Mahua liquor were found concealed, and upon verification, each jerrycan was found to contain approximately 15 litres of liquor, totaling 45 litres that the accused was found present near the spot and was suspected to be involved in the storage and possession of the said illicit liquor, whereupon the liquor was seized and seizure as well as panchnama proceedings were conducted on the spot in the presence of witnesses; that thereafter, upon completion of the initial investigation, the accused was arrested and produced before the Court of Judicial Magistrate First Class, Kota, District Bilaspur, from where he was remanded to judicial custody, and a copy of the FIR is annexed as Annexure A/2.
- 3.** Learned applicant submits that applicant is innocent and has been falsely implicated in the present matter, he further submits that applicant has no criminal antecedents or any other offence registered against him; that he has been in judicial custody since 31.10.2025 that the alleged liquor was recovered from an open area and there is no material on record to establish that the said place was under the exclusive ownership, possession, or control of the applicant, and mere presence near the spot does not attract culpability under Section 34(2) of the Chhattisgarh Excise Act that the applicant is a permanent



resident of Village Bachhalikhurd, District Bilaspur (C.G.), having deep roots in society, and there is no likelihood of his absconding or tampering with the prosecution witnesses; that the applicant is the sole bread earner of his family and continued incarceration would cause irreparable harm to his family and social life, while no useful purpose would be served by keeping him in custody any further; that considering the pendency of cases before the trial courts, the present trial is likely to take considerable time for final disposal and continued detention of the applicant till the conclusion of trial would amount to pre-trial punishment that the applicant reserves liberty to raise additional grounds and to place further documents on record at the time of hearing, if required and that the applicant undertakes to abide by all conditions imposed by this Hon'ble Court

4. On the other hand, learned State Counsel appearing for the State/non-applicant opposes the bail application and submits that in the present case charge-sheet has been filed before the competent Court. She further submits that seized Total quantity 45 bulk litter mahua liquor from the possession of the applicant. As such, he is not entitled for grant of bail.
5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the facts and circumstances of the case, the submissions made by learned counsel for the parties, the period of detention of the applicant since 31.10.2025, the fact that the charge-sheet has already been filed, that the applicant has no criminal antecedents, and further considering that the trial is likely to take



some time to reach its conclusion, this Court is of the considered view that the applicant is entitled to be released on bail in the present case.

7. Let applicant, **Gautam Jagat**, involved in Crime No. 718/2025, registered at Police Station - Ratanpur, District- Bilaspur (C.G.) for the offence punishable under Sections 34(2) of the 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.



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(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 provide a certified copy of this order to the trial Court concerned for necessary information and compliance forthwith.

Sd/-

(Ramesh Sinha)
Chief Justice