



2026:CGHC:3375



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NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****MCRC No. 9915 of 2025**

- Dhanesh Bhimre S/o Late Shri Hardev Bhimre Aged About 39 Years
R/o Village- Motipur, Chandan Nagar, Ward No.03, Out Post-
Chikhali, Police Station City Kotwali, District- Rajnandgaon (C.G.)

... Applicant**versus**

- The State Of Chhattisgarh Through- The Police Of Police Out Post-
Chikhali, Police Station City Kotwali, District- Rajnandgaon (C.G.)

... Respondent**(Cause title is taken from Case Information System)**

For Applicant : Mr. Khilendra Sahu, Advocate

For Respondent/State : Ms. Smriti Shrivastava, Panel Lawyer

Hon'ble Mr. Ramesh Sinha, Chief Justice**Order on Board****20/01/2026**

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.495/2025 registered at Police Station : City Kotwali, Out Post - Chikhali, District Rajnandgaon (C.G.), for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.
2. Case of the prosecution, in brief, is that the concerned Police of Police Station, City Kotwali, District Rajnandgaon (C.G.) has received secret



information by the informant and conduct a raid and seized 32.250 bulk liters liquor from the illegal possession of the applicant and thereafter, the Police has registered a case for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act against the applicant.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. The mandatory provisions with regard to search and seizure have not been followed by the Police in this case. He also submits that the under Section 34(2) of the Chattisgarh Excise Act, minimum punishment is one year and maximum punishment is three years and the applicant is in jail since 11.09.2025 and the conclusion of the trial is likely to take quite long time. Therefore, he prays for releasing the applicant on regular bail.
4. Learned counsel appearing for the State/non-applicant would oppose the bail application and submit that the charge-sheet has not been filed in the present case before the competent Court. He further submits that the applicant is having total 11 criminal antecedent, out of which two cases are under the Excise Act, which are pending, it appears that he is a habitual offender. 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. Considering the fact that the charge-sheet has not been filed before the competent Court and the present applicant is having total 11 criminal antecedent, out of which two cases are under the Excise Act, which are pending, and that the quantity of liquor seized is 35.250 bulk liters of liquor and also in light of the judgment rendered by the Hon'ble Supreme Court in ***Deepak Yadav v. State of Uttar Pradesh***



& Another, reported in **(2022) 8 SCC 559**, wherein the Hon'ble Supreme Court had cancelled the bail granted to the accused therein on the ground that the accused had previous antecedents, this Court is of the opinion that is not a fit case to enlarge the applicant on regular bail. Accordingly, the bail application of the applicant- **Ramayan Lal Jangde** filed under Section 439 of the Cr.P.C., involved in Crime No. 336/2023 registered at Police Station Malkharauda, District Sakti (C.G.), for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act, is **rejected**.

7. Needless to say that the trial Court concerned is at liberty to proceed and conclude the trial expeditiously.
8. Office is directed to send a certified copy of this order to the trial Court concerned for necessary information.

Sd/-

(Ramesh Sinha)
Chief Justice

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