



2026:CGHC:3365



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 10099 of 2025

Jivrakhan Lal Miri S/o Late Balaram Miri Aged About 52 Years R/o Ward No. 17, Behind Jain Mandir, Village Sankra, Police Station Dharsinwa, District- Raipur (C.G.)

... Applicant

versus

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

... Respondent(s)

For Applicant : Mr. Pradeep Singh Rathore, Advocate

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

Hon'ble Shri Ramesh Sinha, Chief Justice

Order on Board

20/01/2026

1. The applicant had preferred this First Bail Application under Section 483 of BNSS, 2023 for grant of regular bail, as he has been arrested in connection with Crime No. 565/2025, registered at Police Station- Dharsinwa, District- Raipur (CG) for the offence



punishable under Section 34(2) of Chhattisgarh Excise Act.

2. The prosecution story in brief, is that, the police station-Dharsinwa received secret information through informant to the effect that one person is in possession of liquor at Sondra-Murethi Road of Village Sankra. On the basis of such information, the police personnel conducted raid and allegedly recovered 8.640 bulk liters country made liquor from the possession of applicant. Accordingly the offence under Section 34(2) of C.G. Excise Act has been registered and the applicant has been arrested.
3. It was argued by the learned counsel for the applicant that the applicant is innocent and has been falsely implicated in this case. The alleged liquor has not been recovered from exclusive possession of the applicant. The applicant has one criminal antecedent of the same nature in Crime No. 395/2025 for the offence under Section 34(1)(B) of Excise Act which is pending. The applicant is in jail since 07.11.2025 and is entitled to be released on bail.
4. On the other hand, learned counsel for the State opposes the bail application and submits that there is one criminal antecedent of the applicant in the same nature.
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,



submissions of the counsel for the parties, the quantity of the seized country made liquor, i.e. 8.640 bulk litre, and the fact that the applicant is in jail since 07.11.2025, further the conclusion of the trial may take some more time, this Court is of the view that the applicant is entitled to be released on bail in this case.

7. Let the applicant- **Jivarakhan Lal Miri**, involved in Crime No. 565/2025 registered at Police Station- Dharsinwa, District- Raipur (C.G.), for the offence punishable under Section 34(2) of C.G. Excise Act, 1915 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 them under Section 269 of Bhartiya Nyay Sanhita, 2023



(iii) In case, the applicant misuses the liberty of bail during trial and in order to secure their presence, proclamation under Section 84 of BNSS, is issued and the applicants fail to appear before the court on the date fixed in such proclamation, then, the trial court shall initiate proceedings against them, in accordance with law, under Section 209 of Bhartiya Nyaya Sanhita, 2023.

(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 BNSS. If in the opinion of the trial court absence of the applicants 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 them in accordance with law.

8. 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