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NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****MCRC No. 10129 of 2025**

- Jivan Kaushik S/o Budhram Kaushik Aged About 55 Years R/o Village- Kureli P/s Hirri Dist- Bilaspur (C.G.)

... Applicant**versus**

- State Of Chhattisgarh Through- Station House Officer, P.S. Sakri, District- Bilaspur (C.G.)

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

For Applicant : Mr. Gajanand Ratre, Advocate

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

Hon'ble Shri Ramesh Sinha, Chief Justice**Order on Board****21.01.2026**

1. The applicant has preferred this First Bail Application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail, as he has been arrested in connection with Crime No. 871/2025, registered at Police Station – Sakri, District – Bilaspur (C.G.) for the offence punishable under Section 34(2) of C.G. Excise Act.
2. The case of the prosecution, is that on 07.11.2025 the police received Secret information that one person was coming towards Sanbalpur on a motorcycle carrying liquor in a bag. On the basis of the said information, a mukhbir soochna panchanama was prepared in



presence of witnesses and notice was issued to them. Thereafter, at the spot, the accused was found coming on a motorcycle with a bag. On enquiry, he disclosed his identity as Jeevan Kaushik. On checking the bag, the police allegedly recovered one plastic can containing 45 bulks of country-made liquor of 180 ml capacity, total 8.100 liters valued at Rs. 36,00/-, thereafter FIR has been registered against the applicant.

3. It is argued by the learned counsel for the applicant that the applicant is innocent and has been falsely implicated in this case and there are criminal antecedents registered against the present applicant bearing crime Nos.219 of 2005, 26 of 2022, 405 of 2024 and 386 of 2024, out of these two cases under the Excise Act, in which only fine was imposed and the applicant has already deposited the said amount. It is further submitted that the charge-sheet has been filed in this case. He further submits that under Section 34(2) of the Excise Act, minimum punishment is one year and maximum punishment is three years. The applicant is in jail since 07.11.2025 and trial is likely to take some time for its conclusion, therefore, he prays for grant of bail.
4. On the other hand, the learned State counsel opposes the bail application and submits that there are criminal antecedents registered against the present applicant bearing crime Nos.219 of 2005, 26 of 2022, 405 of 2024 and 386 of 2024, out of these two cases under the Excise Act, in which only fine was imposed and the applicant has already deposited the said amount, and the charge-sheet has been filed in this case. It is further submitted that a 45 bulks of country-made liquor of 180 ml capacity, total 8.100 liters liquor has been seized from the possession of the present applicant,



therefore, he is not entitled for grant of bail.

5. I have heard learned counsel for the parties and perused all of the documents available on record.
6. Taking into consideration the facts and circumstances of the case, nature and gravity of allegation levelled against the applicant and the fact that there are criminal antecedents registered against the present applicant bearing crime Nos.219 of 2005, 26 of 2022, 405 of 2024 and 386 of 2024, out of these two cases under the Excise Act, in which only fine was imposed and the applicant has already deposited the said amount, charge-sheet has been filed against the applicant and he is in jail since 07.11.2025 and conclusion of the trial is likely to take some time, I am inclined to allow this application.
7. Let applicant, **Jivan Kaushik**, involved in Crime No.871/2025, registered at Police Station – Sakri, District – Bilaspur (C.G.) for the offence punishable under Section 34(2) of C.G. Excise Act, 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



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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

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