



2026:CGHC:4197

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 10439 of 2025

Raju Kumar Sharma S/o Ramnaresh Sharma Aged About 40 Years R/o
Chandan Gaon, Police Station Kotwali, District- Chhindwara (M.P.)

... Applicant

versus

State Of Chhattisgarh Through The District Magistrate, District-
Rajnandgaon, Police Station Baghnadi District- Rajnandgaon (C.G.)

... Respondent

For Applicant	: Mr. Aditya Srivastava, Advocate
For State/Respondent	: Ms. Nupur Trivedi, P.L.

Hon'ble Shri Ramesh Sinha, Chief Justice

Order on Board

23.01.2026

1. The applicant has preferred this Second 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. 02/2025, registered at Police Station –Baghnadi District – Rajnandgaon (C.G.) for the offence punishable under Section 34(2) and 36 of C.G. Excise Act.
2. The First Bail Application filed by the present applicant was

rejected vide order 19.09.2025 in **MCRC No.7573/2025** on merit.

3. The case of the prosecution story is that on 28.01.2025 at about 02:40 a.m., Police Station Baghnadi received a call on emergency number 112 from Mahesh Rajput informing about a road accident, whereupon Officer Ravikant Ghritlahre reached the spot and found that a pickup vehicle loaded with sacks of cauliflowers had collided with a truck from behind; upon arrival of the police, members of the public who were looting the cauliflowers fled, and during inspection it was discovered that beneath the cauliflower sacks, English liquor measuring 147 bulk liters, manufactured in Madhya Pradesh, was illegally concealed, while no driver or occupant was found at the scene, leading to registration of an FIR against an unknown person under Section 34(2) of the Chhattisgarh Excise Act, and during investigation the present applicant was identified and arrested on 13.05.2025.
4. 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 is no criminal antecedents registered against the present applicant the first bail application of the applicant was rejected by this Court with an observation directing the Trial Court to proceed with and conclude the trial expeditiously; however, despite the said direction, the trial has been delayed for reasons not attributable to the applicant, who has been in judicial custody since 13.05.2025 and has already undergone more than seven

months of pre-trial detention for offences triable by a Magistrate of First Class, and the trial is not likely to conclude in the near future.

5. On the other hand learned State counsel opposes the bail application and submits that although the applicant has no previous criminal antecedents, the charge-sheet has already been filed. It is further submitted that evidence of the prosecution witnesses has already been recorded and the case is at an advanced stage. The State has also filed an application (348 BNSS) for summoning additional witnesses along with a copy of the said application and covering memo for the record.
6. I have heard learned counsel for the parties and perused all of the documents available on record.
7. Taking into consideration the facts and circumstances of the case, nature and gravity of allegation levelled against the applicant and the fact that there is no any criminal antecedents registered against the present applicant, charge-sheet has been filed against the applicant and he is in jail since 13.05.2025 and conclusion of the trial is likely to take some time, I am inclined to **allow** this application.
8. Let applicant, **Raju Kumar Sharma**, involved in Crime No. 02/2025, registered at Police Station –Baghnadi District – Rajnandgaon (C.G.) for the offence punishable under Section 34(2) and 36 of C.G. Excise Act be released on bail on his

furnishing **a 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 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.

9. 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**

Arpan