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HIGH COURT OF CHHATTISGARH AT BILASPUR**MCRC No. 673 of 2026**

Kamta Prasad Sharma S/o Shri Moti Lal Sharma, Aged About 58 Years R/o Village Pauradhore, Thana Ramnagar, Tehsil Kotma, District Anuppur (M.P.)

... Applicant**versus**

State Of Chhattisgarh Through The Station House Officer, Police Station-Jhagrakhand, District – Manendragarh-Chirmiri-Bharatpur, C.G.

Non-applicant

For Applicant	: Mr. Kashish Saluja, Advocate.
For Non-applicant/State	: Mr. Shubham Bajpayi, Panel Lawyer.

Hon'ble Shri Ramesh Sinha, Chief Justice**Order on Board****19.03.2026**

1. Vide order dated 19.01.2026, this Court directed that the matter be listed in the last week of April, 2026, and against the said order an SLP (CrI) No. 3432/2026 was preferred by the applicant before the Hon'ble Apex Court, and the Hon'ble Apex Court vide order dated 25.02.2026, has expedited the hearing of the present bail application, and has observed that the matter be decided on priority. Therefore, the instant bail application is listed today and being heard finally.
2. 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. 186/2025, registered at Police Station – Jhagrakhand, District – Manendragarh-Chirmiri-Bharatpur (C.G.) for the offence punishable under Section 34(1) of C.G. Excise Act and Sections 281 and 111(3) of



the BNS.

3. The case of the prosecution, is that the Police of Police Station – Jhagrakhand, District – Manendragarh-Chirmiri-Bharatpur (C.G.) has received a secret information through the informant that one Black Bolero MP18-ZC7866 with an accident near Village Chataniya Jhimar, Near Junjhutiya Jungle, therefore, upon reaching the spot, the vehicle was found vacant and unattended, no person was present in or near the Bolero, and on search, the Police has seized a total of 4 bottles of GOA Liquor 180 ML and 198 pieces bottle caps, and some broken empty liquor packaging carton weighing approx 05 Kgs from the vehicle. The said Bolero was vehicle is registered in the name of Smt. Shobha Sharma, wife of the applicant, however, the Police made only the name of applicant an accused, and during the inquiry the applicant stated that he had given the vehicle to Krishu and Pappu of village Payedhawar for taking their ailing Grandfather to hospital for treatment. Hence, this application.
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. It is further submitted that the applicant's wife happens to be the owner of the vehicle in which the liquor was being transported and the applicant had given the vehicle to Krishu and Pappu of village Payedhawar for taking their ailing Grandfather to hospital for treatment, and the applicant was having no knowledge that the crime in question was being committed by them in his vehicle, and there is no evidence to show that the applicant was helping the said co-accused persons in transporting the



liquor. 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 11.12.2025 and trial is likely to take some time for its conclusion, therefore, he prays for grant of bail.

5. On the other hand, the learned State counsel opposes the bail application and submits that there is no criminal antecedents registered against the present applicant. It is further submitted that a total of 4 bottles of GOA Liquor 180 ML and 198 pieces bottle caps, and some broken empty liquor packaging carton weighing approx 05 Kgs has been seized from the Bolero vehicle which is in the name of wife of the applicant, therefore, he is not entitled for grant of bail.
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 criminal antecedents registered against the present applicant, the applicant's wife happens to be the owner of the vehicle in which the liquor was being transported and the applicant had given the vehicle to Krishu and Pappu of village Payedhawar for taking their ailing Grandfather to hospital for treatment, and the applicant was having no knowledge that the crime in question was being committed by them in his vehicle, and there is no evidence to show that the applicant was helping the said co-accused persons in transporting the liquor, and he is in jail since 11.12.2025 and conclusion of the trial is likely to take some time, I am inclined to allow this application.



8. Let applicant, **Kamta Prasad Sharma**, involved in Crime No. 186/2025, registered at Police Station – Jhagrakhand, District – Manendragarh-Chirmiri-Bharatpur (C.G.) for the offence punishable under Section 34(1) of C.G. Excise Act and Sections 281 and 111(3) of the BNS, 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 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



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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**

Rajshekhar