



2026:CGHC:11971

**NAFR****HIGH COURT OF CHHATTISGARH AT BILASPUR****MCRC No. 2308 of 2026**

Anup Bishra S/o Shri Amitap Bishra @ Amitabh Bishra Aged About 19 Years R/o Village- Bagaijor Thana And Tahsil- Saraypali Dist- Mahasamund (C.G.)

**... Applicant****versus**

The State of Chhattisgarh Through- Station House Officer of Police Station Saraypali District- Mahasamund (C.G.)

**... Non-applicant**


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For Applicant : Mr. Sumit Shrivastava, Advocate.

For Non-applicant/State : Ms. Palak Dwivedi, Panel Lawyer.

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**Hon'ble Shri Ramesh Sinha, Chief Justice****Order on Board****12.03.2026**

1. The applicant has preferred this First Bail Application under Section 483 of the Bhartiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail, as he has been arrested in connection with Crime No. 65/2026, registered at Police Station : Saraypali District- Mahasamund (C.G.) for the offence punishable under Section 34(2) of the C.G. Excise Act.
2. The case of the prosecution, in brief, is that the police of Police Station : Saraypali District- Mahasamund (C.G.), received an

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information from the informant and on the basis of the said information conducted a raid and seized total 40.00 bulk liters of country made mahua liquor from the possession of the present applicant. Thereafter, Police has registered an offence punishable under Section 34(2) of the C.G. Excise Act against the present applicant.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the present case and he has no connection whatsoever with the alleged liquor said to have been seized by the police. It is submitted that the alleged liquor was seized from an open place behind the house where several family members reside and many persons were present near the place of occurrence, and there is no evidence on record to establish that the said liquor was in the conscious possession of the applicant. The prosecution has not collected any direct or indirect evidence to show that the place or the seized liquor belonged to the applicant and even the alleged seizure is doubtful as the quantity of liquor was not properly measured and has simply been mentioned as 40.00 bulk litres in the seizure memo. It is further submitted that the applicant is a 19-year-old student of Class 12th whose examinations are scheduled to be held from 16.03.2026 to 08.04.2026, for which the admit card has already been issued. He further submits that though the charge sheet has not yet been submitted, but the applicant is a student and his examinations are about to commence, he has no any previous criminal antecedent, and the applicant is in jail since 22.02.2026 and the trial is likely to

take some time for its conclusion, therefore, he prays grant of bail to the applicant.

4. On the other hand, the learned State counsel opposes the bail application and submits that the charge-sheet has not been filed in the present case. She further submits that from the possession of the present applicant total 40.00 bulk liters of country made mahua liquor was seized, therefore, he is not entitled for grant of bail.
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 that though the charge-sheet has not been submitted till date as the investigation is still going on and from the possession of the present applicant total 40.00 bulk liters of country made mahua liquor was seized, but the applicant is a 19-year-old student of Class 12th and his examinations are about to commence, he has no any previous criminal antecedent, and the applicant is in jail since 22.02.2026, the conclusion of the trial may take some more time, therefore, this Court is of the considered view that the present applicant is entitled to be released on regular bail in this case.
7. Let the applicant, **Anup Bishra**, involved in Crime No. 65/2026, registered at Police Station : Saraypali District- Mahasamund (C.G.) for the offence punishable under Section 34(2) of the C.G. Excise Act, be released on bail on furnishing **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

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 provide a certified copy of this order to the trial Court concerned for necessary information and compliance forthwith.

**Sd/-**

**(Ramesh Sinha)  
Chief Justice**

**Rahul Dewangan**