



2026:CGHC:26364

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

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MCRC No. 5681 of 2026

Shivmangal S/o Late Ganesh Prasad Jaiswal Aged About 24 Years R/o
Ranjana, Thana Dipka, District - Korba, Chhattisgarh. **... Applicant**

versus

State Of Chhattisgarh Through - Police Station Excise Circle,
Bankimongra, District - Korba, Chhattisgarh.

... Respondent

For Applicant : Shri Vikas Kumar Pandey, Advocate.
For : Shri Shailendra Sharma, PL.
Respondent/State

Hon'ble Mr. Ramesh Sinha, Chief Justice

Order on Board

29/06/2026

1. This is the first bail application filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the applicant who has been arrested in connection with Crime No.13/2026 registered at Police Station Excise Circle, Bankimongra, District - Korba, Chhattisgarh, for the

offence punishable under Sections 34 (1) (क), 34(2), 59 (क) of the Excise Act.

2. Case of the prosecution, in brief, is that on 19/04/2026 as per secret information received from informant police made search of house of applicant and seized 19 bulk liters hand made liquor from possession of applicant. Thereafter police arrested the applicant on 19/04/2026. Hence this bail application.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. The mandatory provisions with regard to search and seizure have not been followed by the Police in this case. He also submits that under Section 34(2) of the Chattisgarh Excise Act, the minimum punishment is one year and maximum punishment is three years. He also submits that the applicant is in jail since 19/04/2026 and the conclusion of the trial is likely to take quite long time. Therefore, he prays for releasing the applicant on regular bail.
4. Learned counsel appearing for the State/non-applicant would oppose the bail application and submit that the charge-sheet has been filed in the present case before the competent Court. He further submits that the applicant is having 03 criminal antecedents under the Excise Act which are pending, as such, he is a habitual offender and is not entitled for grant of bail.
5. I have heard learned counsel for the parties and perused the case diary.

6. Considering the fact that the charge-sheet has been filed before the competent Court and in the present case the applicant is having 03 criminal antecedents under the Excise Act which are pending and he is a habitual offender, further he has misused the bail granted to him earlier and that the quantity of liquor seized is 19 bulk liters of hand made liquor and also in light of the judgment rendered by the Supreme Court in ***Deepak Yadav v. State of Uttar Pradesh & Another***, reported in **(2022) 8 SCC 559**, wherein the Hon'ble Supreme Court had cancelled the bail granted to the accused therein on the ground that the accused had previous antecedents, therefore this Court is of the opinion that this is not a fit case to enlarge the applicant on regular bail.
7. Accordingly, the bail application of the applicant- **Shivmangal** involved in Crime No.13/2026 registered at Police Station Excise Circle, Bankimongra, District - Korba, Chhattisgarh, for the offence punishable under Sections 34 (1) (क), 34(2), 59 (क) of the Excise Act, is **rejected**.
8. Office is directed to send a certified copy of this order to the trial Court concerned for necessary information.

Sd/-

(Ramesh Sinha)
Chief Justice