



CGHC010222282026

2026:CGHC:29022

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HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 5248 of 2026

Chhabilal Nayak S/o Kumar Singh Nayak Aged About 28 Years R/o Village Khaira, P.S. Saliha, District - Balodabazar, Chhattisgarh.

... Applicant

versus

State of Chhattisgarh Through Station House Officer, Police Station Basna, District Mahasamund, Chhattisgarh.

... Non-Applicant

For Applicant : Mr. Sudhir Kumar Sahu, Advocate.

For Non-Applicant/State : Mr. Shailendra Sharma, Panel Lawyer.

Hon'ble Mr. Ramesh Sinha, Chief Justice

Order on Board

10.07.2026

1. This is the first bail application filed under Section 483 of the Bhartiya Nagrik Suraksha Sahita, 2023 for grant of regular bail to the applicant who has been arrested in connection with Crime No. 268/2026 registered at Police Station – Basna, District - Mahasamund (C.G.), for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.
2. As per the prosecution story, in brief, the police received secret information through an informant that on 21.05.2026, an unknown person was in possession of illicit country-made liquor for the purpose of sale near Bamhani Road. Acting upon the said information, the police reached the spot and seized 15 litres of country-made Mahua liquor from the place of occurrence. The accused failed to produce any valid licence or

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document authorising possession of the seized liquor. Consequently, the police registered an offence punishable under Section 34(2) of the Chhattisgarh Excise Act against the accused.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the present case. He further submits that no incriminating article has been seized from the possession of the applicant. He further submits that, although two previous criminal antecedents of the applicant have been mentioned in the tabular form, the status of both the cases has not been disclosed. It is contended that the applicant has already been acquitted in the case registered under Sections 363, 366, 376 and 34 of the IPC, Section 4 of the POCSO Act, and Section 3(2)(v) of the SC/ST Act. The applicant has been in judicial custody since 20.05.2026. Therefore, it is prayed that the applicant be enlarged on regular bail.
4. On the other hand, the learned State Counsel opposes the bail application. He further submits that there are two previous criminal antecedents of the applicant have been mentioned in the tabular form in paragraph No. 4(a) of this bail application, the status of both the cases has not been disclosed. Therefore, the present applicant is not entitled to be released on bail.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Taking into consideration the facts of the case and further considering the fact that there are two previous criminal antecedents of the applicant have been mentioned in the tabular form in paragraph No. 4(a) of this bail application, the status of both the cases has not been disclosed, 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 cancelled the bail granted to the accused on the ground of previous criminal antecedents, this Court is of the opinion that it is not a fit case to enlarge the applicant on regular bail.

7. Accordingly, the bail application of the applicant – **Chhabilal Nayak**, involved in Crime No. 268/2026 registered at Police Station – Basna, District - Mahasamund (C.G.), for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act, is **rejected**.
8. Needless to say that the trial Court concerned is at liberty to proceed and conclude the trial expeditiously.
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