



CGHC010245222026



2026:CGHC:31215

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 6565 of 2026

Tarun Kashyap S/o Shri Pachkod Kashyap Aged About 39 Years R/o Vill. Podikala, P.S. Takhatpur, District Bilaspur (C.G.)

... **Applicant**

versus

State of Chhattisgarh Through Excise Circle, Takhatpur, District Bilaspur (C.G.)

... **Non-Applicant**

For Applicant : Mr. Keshav Dewangan, Advocate.

For Non-Applicant/State : Ms. Nupur Trivedi, Panel Lawyer.

Hon'ble Shri Ramesh Sinha, Chief Justice

Order on Board

22.07.2026

1. The applicant has preferred this First Bail Application under Section 483 of B.N.S.S. for grant of regular bail, as he has been arrested in connection with Crime No. 67/2018, registered at Police Station – Excise Circle, Takhatpur, District – Bilaspur (C.G) for the offence punishable under Section 34(1)(a), 34(2) and Section 59A(i)(ii) of the Chhattisgarh Excise Act.
2. As per the prosecution story, on 16.11.2018, acting upon information received from the Flying Squad Team, the Assistant Excise Commissioner and the Excise staff reached Village Podikala. Upon reaching the spot, they found the house of the present applicant locked. As the applicant was not present, the lock of the house was allegedly

broken open in the presence of the panch witnesses. Thereafter, a total quantity of 1,528.380 litres of country-made plain liquor was allegedly recovered from various cartons kept inside the house. On the basis of the aforesaid recovery, the present offence was registered against the applicant.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the present case. He submits that the applicant is a poor and rustic villager. On the date of the alleged incident, he was not present in the village, as he had gone to the Union Territory of Jammu and Kashmir in search of livelihood and was residing there for employment. He also submits that since the applicant had remained away from the village for a considerable period, he had no knowledge that any crime had been registered against him. He was also unaware of the registration of the present criminal case, as he was residing outside the district and the State for the purpose of earning his livelihood. He submits that the Excise Department filed the charge sheet on 23.06.2019 in the absence of the applicant by showing him as an absconder. Pursuant thereto, the learned trial Court issued a permanent arrest warrant against the applicant on 24.03.2023. He submits that a perusal of the charge sheet reveals that the prosecution itself, including its witnesses, has admitted that the applicant was not found in the village either at the time of the alleged seizure or thereafter. It is respectfully submitted that the applicant, being a poor labourer, was residing in Jammu and Kashmir for the purpose of earning his livelihood and thereafter moved to several other places in search of employment. The applicant ultimately returned to his village on 18.05.2026, whereafter he was arrested on 20.05.2026 in connection with the present case. He also submits that under Section 34(2) of the Chhattisgarh Excise Act, the

minimum punishment is one year and the maximum punishment is three years. He submits that the applicant has no criminal antecedents and he is in jail since 20.05.2026, conclusion of the trial is likely to take a considerable amount of time. Therefore, he prays for the applicant's release on regular bail.

4. On the other hand, learned State counsel opposes the bail application filed on behalf of the applicant and submits that the alleged incident took place in the year 2018. It is further submitted that the applicant had been absconding ever since the date of the incident and was ultimately arrested on 20.05.2026. Therefore, considering his conduct, the applicant is not entitled to the grant of regular bail.
5. I have heard learned counsel for the parties and perused the case diary.
6. Considering the facts and circumstances of the case, particularly the fact that the alleged incident took place in the year 2018 and that the applicant had been absconding ever since the date of the incident until his arrest on 20.05.2026, this Court is of the considered opinion that the conduct of the applicant does not entitle him to the grant of regular bail.
7. Accordingly, the bail application of the applicant – **Tarun Kashyap**, involved in Crime No. 67/2018, registered at Police Station – Excise Circle, Takhatpur, District – Bilaspur (C.G) for the offence punishable under Section 34(1)(a), 34(2) and Section 59A(i)(ii) 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