



CGHC010252752026



2026:CGHC:36862

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DEWANGAN**HIGH COURT OF CHHATTISGARH AT BILASPUR****MCRC No. 5904 of 2026**

Surendra Jagat S/o Gadarai Jagat, Aged About 29 Years R/o Village Beldihi, Police Station - Basna, District - Mahasamund (C.G.).

.. Applicant(s)**versus**

State Of Chhattisgarh Through The Station House Officer, Police Station-Basna, District - Mahasamund (C.G.) (District Name Not Mentioned In Impugned Order)

.. Non-applicant(s)

For Applicant : Mr. Kashish Saluja, Advocate

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

Hon'ble Shri Ramesh Sinha, Chief Justice**Order on Board****18.08.2026**

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. 311/2026, registered at Police Station Basna, 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 on the basis of the information received by the concerned police station from the

informer, on 11.06.2026, a total of 20 liters and 600 ml of Odisha-made Mahua liquor was recovered from the possession of the applicant. Thereafter, the recovered liquor was confiscated and a case under Section 34(2) of the C.G. Excise Act was registered against the applicant at Police Station Basna, District-Mahasamund (C.G.) vide Crime No. 311/2026 and the applicant was arrested.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the present case. He further submits that the ingredients of the alleged offence are not attracted against the applicant and there is no material or evidence available on record to implicate him in the present case. He further submits that under Section 34(2) of the Excise Act, minimum punishment is one year and maximum punishment is three years. He further submits that the applicant is in jail since 11.06.2026 and in the present case, charge-sheet has been filed before the competent Court and further the applicant has no criminal antecedent and the conclusion of the trial is likely to take some time. Therefore, he prays for grant of regular bail to the applicant.
4. On the other hand, the learned State counsel opposes the bail application and submits that in the present case, the applicant was found in possession of 20 liters and 600 ml of Odisha-made Mahua liquor and the same was seized from his possession however, she fairly submits that that the applicant has no criminal antecedent. Considering the quantity of liquor seized from the applicant, 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, nature and gravity of allegation levelled against the applicant and the fact that the applicant is in jail since 11.06.2026 and the quantity of liquor seized from the possession of the applicant i.e. 20 liters and 600 ml of Odisha-made Mahua liquor and the fact that the applicant has no criminal antecedent and in the present case, charge-sheet has been filed before the competent Court and conclusion of the trial is likely to take some time, therefore, I am inclined to grant regular bail to the present applicant.
7. Accordingly, the bail application is **allowed**.
8. Let applicant, **Surendra Jagat**, involved in Crime No. 311/2026, registered at Police Station Basna, 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.

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**