



CGHC010308822026



2026:CGHC:35646

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**MCRC No.7415 of 2026**

Dev Prasad Barle S/o Hardev Barle Aged About 28 Years R/o
Tarkidih Mahuabhata, Police Station Jarhagaon, District- Mungeli
(C.G.) **... Applicant**

versus

State Of Chhattisgarh Through Police Station Kota, Distt - Bilaspur
(C.G.) **... Non-applicant**

For Applicant :Mr. Anchal Kumar Matre, Advocate.

For Non-applicant/State :Mr. Sourabh Sahu, PL.

Hon'ble Shri Ramesh Sinha, Chief Justice

Order on Board**12.08.2026**

1. The Applicant has preferred this 1st Bail Application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail, as he has been arrested in connection with Crime No.436/2026 registered at Police

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Station – Kota, Bilaspur (C.G.), for the offence under Section 34(2) of CG Excise Act.

2. Prosecution story, in brief, is that on 06.06.2026, acting upon secret information, the police apprehended the Applicant and seized from his possession three aluminium containers of 45 litres capacity each and two aluminium containers of 30 litres capacity each, all filled with country-made raw Mahua liquor, totalling 240 litres and valued at approximately Rs48,000/-. Three Tullu pumps and a motorcycle bearing registration No. CG-10-28-J-8216 were also seized. The Applicant was served with a notice under Section 94 of the BNSS, to which he stated that he had no valid documents relating to the seized liquor. Accordingly, the offence was registered and investigation was taken up and the Applicant was duly arrested. Hence this application.
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 prosecution case is based solely on the alleged recovery of 240 litres of hand-made Mahua liquor from the place of occurrence, which is seriously disputed and is a matter of evidence to be tested during trial. It is further submitted that the seizure has not been corroborated by any independent witness and no

incriminating article was recovered from the personal or exclusive possession of the Applicant, nor is there any material to establish his exclusive ownership, possession or control over the place of recovery. It is also submitted that there are three accused persons in the case and no specific overt act or distinct role has been attributed to the Applicant. He further submits that the Applicant is in custody since 07.06.2026 and conclusion of trial is likely to take considerable time, therefore, he may be granted bail.

4. On the other hand, learned Counsel for the State opposes the bail application and submits that there are no previous criminal antecedents against the present Applicant.
5. I have heard learned counsel for the parties and perused the case diary.
6. Considering the submissions advanced by learned Counsel for the parties, the material available in the case diary, the nature and quantity of liquor allegedly seized, the fact that the alleged recovery was not made from the personal or exclusive possession of the Applicant, no specific overt act has been attributed to him, the seizure is yet to be tested during trial, the period of custody of the Applicant since 07.06.2026, the fact that there are no previous criminal antecedents against him, the trial is likely to take

considerable time for its conclusion and without further commenting anything on the merits of the case, this Court is of the considered opinion that it is a fit case to allow the application. Accordingly, the bail application is **allowed**.

7. Let Applicant- **Dev Prasad Barle** involved in Crime No. 436/2026 registered at Police Station – Kota, Bilaspur (C.G.), for the offence under Section 34(2) of CG Excise Act be released on bail on his furnishing **a 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/she 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/her counsel. In case of his/her absence, without sufficient cause, the trial court may proceed against him/her 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/her 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/her, 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/her in accordance with law.

8. 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