



CGHC010332802026



2026:CGHC:38264-DB

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRMP No. 2247 of 2026

Jasvinder Singh @ Rinku Bagga S/o Late Shri Preetpall Singh Bagga
Aged About 48 Years Farmer / Agricultural Business, Resident Of Lal
Bagicha Ward No.3, Dhamtari, Thana City Kotwali, Tahsil And District
Dhamtari (C.G.)

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... Petitioner(s)

versus

State Of Chhattisgarh Through Police Station House, City Kotwali
Dhamtari District Dhamtari Chhattisgarh

... Respondent(s)

For Petitioner(s) : Mr. Ashok Kumar Verma, Sr. Adv. Along with
Mr. Gajendra Kumar Sahu and Mr. Anmol
Varma, Advocates

For Respondent(s) : Mr. Jitendra Shrivastava, G.A.

Hon'ble Shri Ramesh Sinha, Chief Justice

Hon'ble Shri Ravindra Kumar Agrawal, Judge

Judgment on Board

Per Ramesh Sinha, Chief Justice

31.08.2026

1. Heard Mr. Ashok Kumar Verma, learned Senior Advocate along
with Mr. Gajendra Kumar Sahu and Mr. Anmol Varma, learned counsel

for the petitioner. Also heard Mr. Jitendra Shrivastava, learned Government Advocate for respondent / State.

2. The present writ petition has been filed by the petitioner with the following prayers:

“1. May kindly be pleased to Quash the Dehati Nalishi in Crime No. 00/2026, under Section 34(2) of the Excise Act, registered at Police Station House City Kotwali, Dhamtari; date of incident 30.4.2026; date of report 1.5.2026 at 1.00 hours against the petitioner/accused.

2. May kindly be pleased to Quash FIR No. 0117/2026, registered at Police Station Dhamtari, under Section 34(2) of the Chhattisgarh Excise (Amendment) Act, 2002, dated 1.5.2026, registered at 1.12 hours, against the petitioner/ accused.

3. May kindly be pleased to Quash the entire charge-sheet filed against the petitioner/accused, dated 27.6.2026, in Criminal Case No. 2519/2026, State versus Vivek Sahu and Vikas Bakshii, pending before the learned CJM, Dhamtari.

4. May kindly be pleased to Quash the cognizance taken by the learned CJM, Dhamtari on 27.6.2026 against the petitioner/accused in Criminal Case No. 2519/2026, State versus Vivek Sahu and Vikas Bakshi.

5. May kindly be pleased to Quash the declaration of the petitioner/accused as absconding, made on 27.6.2026 by the learned CJM, Dhamtari, in Criminal Case No. 2519/2026, State versus Vivek Sahu and Vikas Bakshi.

6. May kindly be pleased to Quash the issuance of the warrant of arrest against the petitioner/accused, issued on 27.6.2026, in the said case.

7. May kindly be pleased to Quash the entire proceedings pending before the learned CJM, Dhamtari in Criminal Case No. 2519/2026, State versus Vivek Sahu and Vikas Bakshi., against the petitioner/accused.

8. May kindly be pleased to grant Any other relief that this Hon'ble Court may think deem fit and proper in the facts and circumstances of the case may also kindly be granted to the petitioner/accused in the interest of justice."

3. The brief facts of the case are that, on 30.04.2026, on information allegedly received by ASI Jamwant Deshmukh of Police Station City Kotwali, Dhamtari regarding transportation of illicit beer on Scooty No. CG-05-AE-9450, the police intercepted Vivek Sahu and Vikas Bakshi near Laxmi Niwas Chowk and allegedly recovered 18 and 24 bottles of Budweiser beer respectively from their possession. The petitioner, Rinku Bagga @ Jasvinder Singh Bagga, was not present at the spot and no seizure was effected from him, however, the co-accused allegedly disclosed in their memoranda recorded under Section 23(2) of the Bharatiya Sakshya Adhiniyam, 2023 that the petitioner, proprietor of Bagga Bar, had provided them money to purchase the liquor. FIR No.117/2026 was accordingly registered on 01.05.2026 under Section 34(2) of the Chhattisgarh Excise Act, and the two accused were arrested and subsequently granted regular bail by this Court. After

investigation, including recording of witness statements, preparation of spot maps and a Farari Panchnama concerning the petitioner, a charge-sheet was filed on 27.06.2026 before the learned CJM, Dhamtari, in Criminal Case No.2519/2026, State v. Vivek Sahu and Vikas Bakshi, wherein cognizance was taken against the petitioner, he was shown as absconding and a warrant of arrest was issued. Hence, the present petition under Section 528 of the BNSS, 2023 has been filed seeking quashing of the Dehati Nalishi, FIR, charge-sheet, cognizance order, declaration of the petitioner as absconding, warrant of arrest and the entire proceedings pending against him.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated owing to enmity on the basis of allegedly concocted documents and an investigation conducted in violation of mandatory provisions of law. It is contended that the petitioner has been implicated solely on the basis of the alleged memoranda of co-accused Vivek Sahu and Vikas Bakshi, which are stated to be inadmissible in evidence, particularly when the chronology reflected in the seizure memorandum, memorandum statements and arrest memos allegedly demonstrates serious procedural irregularities, inasmuch as the seizures were shown to have been effected prior to the recording of the memorandum and formal arrest of the said accused persons. It is further submitted that no contraband, vehicle or other incriminating article was seized from the petitioner and there is no allegation regarding his presence at the time of the alleged search and seizure, nor has any documentary evidence, such as purchase bills,

receipts, money transactions or other material, been collected to establish that the petitioner financed or instructed the co-accused to procure the alleged beer. The non-production of the alleged videography of the search and seizure is also relied upon to contend that there is no material establishing that the co-accused named the petitioner during the investigation. Learned counsel further submits that the police failed to follow the mandatory safeguards relating to arrest, communication of grounds of arrest and intimation to relatives, thereby rendering the investigation fundamentally illegal. It is also contended that the learned trial Court took cognizance on 27.06.2026 without proper application of mind and subsequently declared the petitioner absconding and issued a warrant of arrest without properly scrutinizing the alleged Farari Panchnama and supporting material, particularly when the witnesses to the said Panchnama were not cited as prosecution witnesses and the petitioner possesses known immovable property. On these grounds, it is submitted that the Dehati Nalishi, FIR, charge-sheet, cognizance order, declaration of the petitioner as absconding and consequential warrant of arrest are illegal and constitute an abuse of the process of law, and therefore the entire proceedings pending in Criminal Case No.2519/2026, before the learned CJM, Dhamtari, insofar as they relate to the petitioner, deserve to be quashed. Learned counsel for the petitioner further places reliance upon the decision of the Hon'ble Supreme Court in ***Inder Mohan Goswami v. State of Uttaranchal***, Appeal (Cri.) No.1392 of 2007, decided on 09.10.2007, to contend that the power under Section 482

CrPC is required to be exercised to prevent abuse of the process of Court and that non-bailable warrants, involving serious interference with personal liberty, ought not to be issued mechanically and should be resorted to only when the circumstances so warrant. Learned counsel for the petitioner also places reliance upon the decision of the Hon'ble Supreme Court in ***Aman Preet Singh v. C.B.I. through Director, 2021 SCC OnLine SC 941***, to submit that where custodial interrogation of an accused is not required and the charge-sheet has already been filed, there may be no justification for arrest merely because cognizance has been taken or warrants have been issued, and appropriate protection may be granted to enable the accused to appear before the Trial Court and seek regular bail in accordance with law.

5. Learned State counsel, opposing the petition, would submit that the petitioner has been charge-sheeted on the basis of material collected during the course of investigation and that the allegations regarding falsity, concoction of documents, inadmissibility of evidence and procedural irregularities are matters requiring appreciation on the basis of evidence and cannot be adjudicated in proceedings invoking the extraordinary jurisdiction for quashing. It is submitted that the alleged memorandum, seizures and other documents form part of the investigation and their evidentiary value can appropriately be examined by the competent Court during the course of trial. Learned State counsel would further submit that mere absence of recovery from the petitioner is not by itself sufficient to exonerate him when the prosecution case is based upon the overall material collected during

investigation. The orders taking cognizance and issuing consequential process, including the warrant, are stated to have been passed in accordance with law, and no exceptional circumstance is made out warranting interference with the pending criminal proceedings. It is, therefore, submitted that the petition is devoid of merit and deserves to be dismissed.

6. We have heard learned counsel for the parties and perused the documents appended with the petition.

7. Having heard learned counsel for the parties and upon perusal of the material available on record, this Court finds that the principal contention of the petitioner, insofar as it relates to the legality of the Dehati Nalishi, FIR, charge-sheet and the order taking cognizance, is founded upon disputed questions of fact concerning the manner of investigation, admissibility and evidentiary value of the memorandum statements of the co-accused, alleged procedural irregularities in the seizure and arrest proceedings and the sufficiency of material collected during investigation. Such questions cannot appropriately be adjudicated in exercise of the inherent jurisdiction under Section 528 of the BNSS, 2023. At this stage, this Court is not required to conduct a meticulous examination of the evidence or determine its admissibility and reliability, which are matters to be considered by the competent Court at the appropriate stage in accordance with law. Consequently, no case is made out for quashing the FIR, charge-sheet, order taking cognizance or the criminal proceedings pending against the petitioner.

8. However, so far as the consequential order declaring the

petitioner absconding and issuance of warrant of arrest against him are concerned, this Court finds it appropriate, in the peculiar facts and circumstances of the case, to grant the petitioner an opportunity to submit himself to the jurisdiction of the learned Trial Court. The object of issuance of coercive process is to secure the presence of an accused before the Court and not to operate as a punitive measure. The petitioner has approached this Court and expressed his willingness to appear before the jurisdictional Court. Therefore, without expressing any opinion on the merits of the allegations and without interfering with the order taking cognizance or any other proceedings against the petitioner, the coercive process issued against him deserves to be suitably modified.

9. Accordingly, the warrant of arrest issued against the petitioner pursuant to the order dated 27.06.2026 is hereby quashed. The petitioner is directed to appear before the learned Chief Judicial Magistrate, Dhamtari, within a period of two weeks from today and, upon his appearance, he shall be at liberty to avail such remedies, including the remedy of applying for bail, as may be available to him under law. The learned Court concerned shall thereafter proceed with the matter strictly in accordance with law.

10. It is made clear that this Court has not expressed any opinion on the merits of the prosecution case and the observations made herein shall not influence the learned Trial Court while dealing with the case.

11. Consequently, the petition stands **disposed of**. The prayer for quashing the Dehati Nalishi, FIR, charge-sheet, order taking cognizance

and the criminal proceedings is rejected, whereas the prayer relating to the warrant of arrest is allowed to the extent indicated herein

Sd/-
(Ravindra Kumar Agrawal)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice

Manpreet