



CGHC010385402026



2026:CGHC:44918

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DEWANGAN**HIGH COURT OF CHHATTISGARH AT BILASPUR****MCRC No. 9339 of 2026**

Karan Sinha S/o Shri Nanhu Sinha Aged About 20 Years R/o Village
Mudhipar Police Station Gatapar Tahsil Khairagarh District Khairagarh
Chhuikhadan Gandai C. G.

--- **Applicant(s)****versus**

State Of Chhattisgarh Through The Station House Officer Of Police
Station Gatapar District Khairagarh Chhuikhadan Gandai C.G.

... **Non-Applicant(s)**

For Applicant : Mr. Rajendra Patel, Advocate.

For Non-Applicant/State : Ms. Smriti Shrivastava, Panel Lawyer

Hon'ble Mr. Rakesh Mohan Pandey, Judge**Order on Board****16/10/2026**

1. The applicant has preferred this first 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. 38/2026 registered at Police Station Gatapar, District Khairagarh-Chhuikhadan-Gandai (C.G.), for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.
2. The prosecution story, in brief, is that on 20.06.2026, acting upon

secret information received from an informant that the applicant had kept country-made liquor for sale, the police conducted a raid at the applicant's shop and allegedly seized 8.100 bulk litres of country-made liquor. On the basis of the said seizure, the aforesaid offence was registered against the applicant and after completion of the investigation, charge-sheet has been filed before the competent Court.

3. Learned counsel for the applicant would submit that the applicant is innocent and has been falsely implicated in the present case. He would further submit that the alleged liquor was seized from an open place and not from the conscious and exclusive possession of the applicant. He would also submit that the seizure witnesses have already been examined before the learned trial Court and have not supported the prosecution case. It is further submitted that the charge-sheet has already been filed and the applicant has been in jail since 20.06.2026. So far as the criminal antecedents of the applicant are concerned, he has three criminal antecedents, all relating to offences under the Excise Act, out of which one case has been disposed of and two cases are still pending consideration, as disclosed in Part-D of the bail application. As the conclusion of the trial is likely to take some time, the applicant may be released on bail.
4. On the other hand, learned State counsel would oppose the prayer for grant of bail and submit that, though the charge-sheet has been filed before the competent Court but the applicant has three

criminal antecedents of similar nature, all under the Excise Act, out of which one case has been disposed of and two cases are still pending consideration. It is further submitted that the applicant is a habitual offender and considering the quantity of liquor seized in the present case and his criminal antecedents, he is not entitled to be released on bail.

5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Having considered the facts and circumstances of the case, nature and gravity of the offence alleged against the applicant, quantity of liquor allegedly seized from the applicant's shop and particularly, his criminal antecedents, it appears that the applicant has three criminal antecedents of similar nature, all relating to offences under the Excise Act. Out of the said cases, one has been disposed of, whereas two cases are still pending consideration, as the same has been explained in the bail application of part-D criminal antecedents, it appears that the present applicant is a habitual offender, further he has misused the bail granted to him earlier, and also in light of the judgment rendered by the Hon'ble Court in ***Deepak Yadav Vs. State of Uttar Pradesh & Another, reported in (2022) 8 SCC 559***, wherein the Hon'ble Supreme Court had cancelled the bail granted to the accused therein on the ground that the accused had previous 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 filed by the applicant under Section 183 of the BNSS, involved in Crime No. 38/2026 registered at Police Station Gatapar, District Khairagarh-Chhuikhadan-Gandai (C.G.), for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act., is **rejected**.

**Sd/-
(Rakesh Mohan Pandey)
Judge**

Kunal