CGHC010328972026 2026:CGHC:43155

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 7848 of 2026

Navesh Kumar Tiwari @ Mant Tiwari (Manta) S/o Devendru Kumar Aged About 53 Years R/o House No. 121 / 3, Village Manpur, Police Station Manpur, District Mohla Manpur Ambagarh, Chowki, C G. ------Applicant's Detail Is Not Mentioned In Impugned Order Sheet.

... Applicant(s)

KUNAL DEWANGAN

Digitally signed by KUNAL DEWANGAN

versus

State Of Chhattisgarh Through- Station House Officer, Police Station Lohattar, District - North, Bastar Kanker C. G.

... Non-Applicant(s)

For Applicant	:	Mr. C.R. Sahu, Advocate.
For Non-Applicant/State	:	Mr. Sourabh Sahu, Panel Lawyer

Hon'ble Mr. Rakesh Mohan Pandey, Judge

Order on Board

06/10/2026

1. This is the first bail application filed by the applicant under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking regular bail, who has been arrested in connection with Crime No.08/2026 registered at Police Station Lohattar, District North Bastar Kanker, Chhattisgarh, for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.

2. The prosecution case, in brief, is that the applicant allegedly

supplied 15 quarter bottles of Goa Whisky, each containing 180 ml, totalling 2.7 litres and valued at Rs.2,025/-, along with 15 cans of beer, each containing 500 ml, totalling 7.5 litres and valued at Rs.2,100/-, in all 10.02 litres of liquor valued at Rs.4,125/-, to co-accused Mangturam Tekam, who allegedly kept the same in his possession for the purpose of sale. It is further alleged that, as per the memorandum statement of the applicant, he had supplied Goa Whisky and canned beer bearing the seal of Madhya Pradesh to Mangturam Tekam, Tukeshwar Jain and Shiv Aanchla for the purpose of sale. Thereafter, the concerned police registered aforesaid offence against the applicant along with co-accused.

3. Learned counsel for the applicant would submit that the applicant is innocent and has been falsely implicated in the present case. He would submit that the applicant was not found in possession of any illicit liquor and no exclusive possession of the seized liquor has been attributed to him. It is further submitted that the applicant has been implicated in the present case only on the basis of the memorandum statement. He would further submit that the applicant is in custody since 28.07.2026 and has one criminal antecedent, which is still pending. It is further submitted that co-accused Mangturam Tekam, from whose possession the alleged liquor was seized, has already been granted bail by the learned trial Court vide order dated 23.07.2026. Therefore, on the ground of parity and considering the period of detention, the applicant may also be enlarged on bail.

4. On the other hand, learned State counsel would oppose the prayer for grant of bail and submit that the applicant had allegedly supplied the illicit liquor to co-accused Mangturam Tekam for the purpose of illegal sale and his involvement is prima facie disclosed from the material collected during investigation. He would further submit that the applicant has two criminal antecedents under the Excise Act, one of the year 2009 under Section 36(C) of the Excise Act and another of the year 2014. Therefore, looking to the allegations levelled against the applicant and his criminal antecedents, the applicant is not entitled to grant of bail.

5. I have heard learned counsel for the parties and perused the case diary and other material available on record.

6. Having considered the facts and circumstances of the case, nature and gravity of the allegations levelled against the applicant, the quantity of liquor allegedly involved in the present case, the fact that the alleged liquor was recovered from the possession of co-accused Mangturam Tekam and not from the physical possession of the applicant, the fact that the applicant has remained in custody since 28.07.2026, and further considering that co-accused Mangturam Tekam, from whose possession the alleged liquor was seized, has already been granted bail by the learned trial Court vide order dated 23.07.2026 and also considering the criminal antecedents of the applicant and the conclusion of the trial is likely to take some time, thus without further commenting upon the merits of the case, I am inclined to grant regular bail to the applicant.

7. Accordingly, the bail application of the applicant is **allowed**. It is directed that in the event of the applicant executing a personal bond for a sum of Rs.50,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, he shall be released on bail on the following conditions:-

(i) he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such fact to the Court;

(ii) he shall not act in any manner which will be prejudicial to fair and expeditious trial, &

(iii) he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-
(Rakesh Mohan Pandey)
Judge

Kunal