CGHC010370822026 2026:CGHC:43494

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 8871 of 2026

Hemant Gwal S/o Mani Gwal Aged About 34 Years R/o Lal Bageecha, Dhamtari, Tehsil And District- Dhamtari (C.G.). **... Applicant**

versus

State Of Chhattisgarh Through Station House Officer, Police Station City Kotwali Dhamtari District- Dhamtari (C.G.). **... Non-Applicant**

For Applicant	**:**	Mr. Mayank Chandrakar, Advocate
For Non-Applicant	**:**	Ms. Laxmeen Kashyap, Panel Lawyer

Hon'ble Shri Justice Rakesh Mohan Pandey

Order on Board

07/10/2026

1. This is the first bail application filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) for grant of regular bail to the applicant, who has been arrested in connection with Crime No. 205/2026 registered at Police Station City Kotwali Dhamtari, District Dhamtari (C.G.) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act. The applicant is in custody since 25.08.2026.
2. Case of the prosecution, in brief, is that a total of 67.14 bulk litres of illicit country-made liquor was seized by the police of City Kotwali Dhamtari from the joint possession of four accused persons, including the applicant, who were allegedly transporting the contraband on two separate motorcycles.

3. Learned counsel for the applicant submits that the applicant is innocent and has falsely been implicated in the crime. It is submitted that out of the two past criminal cases shown against the applicant, one was registered in the year 2020 under the Indian Penal Code, and the other case registered under Section 3(2) of the Public Gambling Act has already been disposed of; the applicant has no criminal antecedent of a similar nature under the Excise Act. It is further submitted that the applicant has been languishing in jail since 25.08.2026 and the conclusion of the trial is likely to take considerable time, therefore, the applicant may be enlarged on regular bail.
4. On the other hand, learned counsel appearing for the State opposes the bail application and submits that 67.14 bulk litres of country-made liquor was seized from the joint possession of the applicant and the co-accused persons, and the applicant also bears two criminal antecedents; thus, applicant may not be granted bail.
5. I have heard learned counsel for the parties and perused the case diary.
6. Considering the facts and circumstances of the case, the nature and gravity of the offence, the quantity of liquor seized, and the fact that the applicant has no previous criminal antecedents of a similar nature under the Excise Act; further considering the period of pre-trial detention of the applicant since 25.08.2026 and that the conclusion of trial will take some time, without expressing any opinion on the merits of the case, this Court is inclined to release the applicant on bail.
7. 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 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, and

(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.

8. The observation made hereinabove is for the purpose of deciding this bail application only, the trial Court shall decide the case on its own merits.

Sd/-

Rakesh Mohan Pandey

JUDGE

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