CGHC010373952026 2026:CGHC:44075

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 8961 of 2026

1 - Lilesh Sharma S/o Santosh Sharma Aged About 40 Years R/o Village Keshla, Thana Chandnu, Distt- Bemetara (C.G.)

... Applicant

versus

1 - State Of Chhattisgarh Through S H O, Thana Nandghat, Distt- Bemetara (C.G.) --- **Non-applicant**

For Applicant	:	Mr. Arvind Prasad, Advocate
For Non-applicant	:	Ms. Sameeksha Gupta, PL

Hon'ble Shri Justice Rakesh Mohan Pandey

Order On Board

12.10.2026

1) The applicant has preferred this First Bail Application under Section 483 of the Bhartiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail, he has been arrested in connection with Crime No.228/2026 registered at Police Station-Nandghat, District Bemetara (C.G.) for the offence under Section 34(2) of the Chhattisgarh Excise Act.

2) Case of the prosecution, in brief, is that police of Police Station Nandghat has received a secret information from the informant and on the basis of said information, raid was conducted and seized 9 bulk

litre of country-made liquor from the possession of the present applicant. Thereafter, the aforesaid case was registered against the present applicant.

3) Learned counsel for the applicant submits that the present applicant has falsely been implicated in the case and the alleged 9 bulk litre of country-made liquor was not seized from the exclusive possession of the applicant. With regard to the criminal antecedents, he would submit that three criminal cases under the Excise Act are pending, whereas five cases have been disposed of. He would further contend that the applicant is in jail since 09.09.2026; the charge-sheet has already been filed; and the conclusion of the trial is likely to take a considerable period of time. Therefore, he prays for grant of regular bail to the applicant.

4) On the other hand, learned counsel for the State opposes the bail application and submits that the charge-sheet has been filed in the present case before the competent Court. She would contend that the applicant has a total of eight criminal antecedents and out of which three cases under the Excise Act are pending, while the remaining five cases have been disposed of. She would further contend that, if the applicant is granted bail, he may again indulge in the same offence; therefore, his application deserves to be rejected.

5) I have heard learned counsel appearing for the parties and perused the case diary.

6) Admittedly, 9 bulk litre of country-made liquor was seized from the exclusive possession of the present applicant but at the same time, the applicant has a history of 8 criminal antecedents.

7) In the present bail application, the applicant has disclosed eight criminal antecedents, out of which three cases under the Excise Act are pending, while the remaining five cases have been disposed of. Nonetheless, the primary objectives of examining an accused person's criminal antecedents during bail proceedings are:

(i) To assess the likelihood of compliance with bail conditions and ensure the accused will not flee or jump bail;
(ii) To determine whether there is a habitual pattern of committing similar or grave offenses; and
(iii) To evaluate the risk of evidence tampering, obstruction of the ongoing investigation, or witness intimidation.

The existence of three pending criminal antecedents of an identical nature underscores a persistent pattern of offending, raising a grave apprehension of offense repetition if he is enlarged on bail.

8) Considering the criminal antecedents of the applicant, particularly that three cases under the Excise Act are pending against him, there is an apprehension that, if released on bail, he may again indulge in the illegal transportation and sale of liquor. Therefore, I am not inclined to grant bail to the present applicant. Accordingly, the bail application is **rejected**.

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

Sd/-

(Rakesh Mohan Pandey)
JUDGE

Rekha