CGHC010380182026

**NAFR**

# HIGH COURT OF CHHATTISGARH AT BILASPUR

**MCRC No. 9366 of 2026**

**1 -** Benudhar Vishal S/o Bihari Vishal Aged About 48 Years R/o Village Bhajpuri, Police Station Sankara, Tahsil Pithora, District Mahasamund (C.G.)

**... Applicant**

**versus**

**1 -** State Of Chhattisgarh Through The Station House Officer, Police Of Excise Circle, Sankara, District Mahasamund (C.G.) --- **Non-applicant**

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| For Applicant | **:** | Mr. Vikram Pratap, Advocate |
| For Non-applicant | **:** | Ms. Sameeksha Gupta, Panel Lawyer |

**Hon'ble Shri Justice Rakesh Mohan Pandey**

**Order On Board**

**06.10.2026**

**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.04/2026 registered at Police Station- Excise Circle Sankara, District Mahasamund (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 Excise

Circle Sankara has received a secret information from the informant and on the basis of said information, raid was conducted and seized 84 bulk litre of country-made liquor and 400 KG of raw material (lahan) 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 this case and said 84 bulk litre of country-made liquor and 400 KG of raw material (Lahan) were not seized from the exclusive possession of the applicant. It is further argued that the present applicant has no criminal antecedents under the Excise Act and under Section 34(2) of the C.G. Excise Act, minimum punishment is one year and maximum punishment is three years and the present applicant is in jail since 02.08.2026, conclusion of the trial is likely to take quite long time. Therefore, he prays for grant of regular bail to the applicant.

**4)** On the other hand, the learned State counsel would oppose the bail application and submit that the charge-sheet has already been filed before the competent Court. She would further submit that 84 bulk litre of country-made liquor and 400 KG of raw material (Lahan) were seized from the possession of the present applicant; therefore, he is not entitled to the grant of regular bail.

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

**6)** Taking into consideration the facts and circumstances of the case, nature and gravity of applicant and the fact that the present applicant has no criminal antecedent under the Excise Act pending against him, moreover, the fact that the charge-sheet has been filed before the

competent Court and he is in jail since 02.08.2026, conclusion of the trial may take some more time, this Court is of the view that the applicant is entitled to be released on bail in this case. Accordingly, the bail application is **allowed**.

**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 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.

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