CGHC010383832026 2026:CGHC:43710

**NAFR**

PAWAN KUMAR JHA
Digitally signed by PAWAN KUMAR JHA
Date: 2026.10.09 14:55:09 +0530

# HIGH COURT OF CHHATTISGARH AT BILASPUR

## MCRCA No. 1666 of 2026

1. Milan Barik S/o Late Parshuram Barik Aged About 29 Years R/o H No. 110/06, Gram Kishanpur Mahasamund District Mahasamund Chhattisgarh.
2. Narayan Rana @ Babu S/o Tunu Rana Aged About 26 Years R/o Gram Kishanpr, Mahasamund District Mahasamund Chhattisgarh.

**... Applicants**

**versus**

- State Of Chhattisgarh Through The Station House Officer, Polie Statin Pithora, District Mahasamund Chhattisgarh.

**... Non-applicant**

| | | |
|---|---|---|
| For Applicant | : | Mr. Pragalbha Sharma, Advocate with Mr. Kartik Kathuriya, Advocate |
| For Respondent-State | : | Mr. Pranjal Shukla, Panel Lawyer |

**Hon'ble Shri Parth Prateem Sahu, Judge**

**ORDER ON BOARD**

**08/10/2026**

1. Applicants have preferred this application under Section 482 of Bhartiya Nagrik Suraksha Sanhita, 2023 for grant of anticipatory bail as they apprehend their arrest in connection with Crime No. 220/2026 registered at Police Station- Pithora, District Mahasamund (C.G.) for the offence punishable under Section 34(2) of Chhattisgarh Excise Act, 1915

2. As per the prosecution case, on 03.09.2026, while the police of Police Station Pithora were on patrol duty, they received secret information that illicit mahua liquor was being manufactured at Kishanpur Kantra Nala by using an improvised kiln. Acting on the information, the police team, accompanied by staff and witnesses, reached the spot and found certain persons manufacturing illicit liquor. On seeing the police, some persons fled, while Sukhram Bariha was apprehended. Upon inspection, an

improvised kiln with burning fire and German barrels fitted with a pipe was found, through which mahua liquor was being distilled and collected in plastic containers. Approximately 50 litres of illicit mahua liquor, kept in five white plastic containers, was seized from the spot, and a seizure panchnama was prepared. Sukhram Bariha failed to produce any valid document authorising the manufacture or sale of liquor and was accordingly arrested. In his memorandum statement, co-accused Sukhram Bariha allegedly disclosed that he, along with Milan Barik, Narayan Rana @ Babu ie., applicants herein and Govind Gond, was involved in manufacturing illicit mahua liquor and that the others had fled upon seeing the police. On the basis of the seizure and the said memorandum statement, aforementioned crime was registered against Sukhram Bariha, applicants and other absconding accused.

3. Learned counsel for the applicants would submit that the allegation levelled against applicants is false and baseless. Applicants have been falsely implicated in the crime, they have not committed the offence as alleged against them. They have been made accused only on the basis of memorandum statement of co-accused Sukhram Bariha. He contended that there is no criminal antecedent against them, hence, they may be granted anticipatory bail.

4. On the other hand, learned State counsel opposes the submission of counsel for applicants and would submit that this anticipatory bail application is barred under Section 59(A)(i) of the Chhattisgarh Excise Act. He also contended that based on the secret information when police reached on the spot, cordoned it off, about 4 to 5 persons fled away and one person was arrested. He however does not dispute the submission of learned counsel for applicants that there is no criminal antecedent against applicants.

5. I have heard learned counsel for the respective parties and also perused the documents enclosed along with bail application.

6. From the contents of F.I.R. which is read-over by learned State counsel, it is appearing that based on the secret information when police reached the spot, 4-5 persons fled away the spot, and co-accused Sukhram Bariha has been arrested. From his memorandum statement this fact is also apparent. He named applicants to be the persons present there. There is *prima facie* involvement of applicants also in the aforementioned crime and provision under Section 59(A)(i) of the Chhattisgarh Excise Act would be attracted and therefore this anticipatory bail application is not maintainable.

7. Accordingly, this anticipatory bail application is **dismissed**.

8. Office is directed to send a certified copy of this order to the trial Court concerned for necessary information and compliance forthwith.

**Sd/-**

(**Parth Prateem Sahu**)
**JUDGE**

pwn