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KUNAL DEWANGAN

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HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 9534 of 2026

Sikandar Pardhi S/o. Shri Dukalha Pardhi, Aged About 33 Years R/o Bazar Chowk, Village - Boirdih, Police Chowki - Chikhali, Police Station - Chhuriya, District - Rajnandgaon C.G.

... Applicant(s)

versus

State Of Chhattisgarh Through The Station House Officer Of The Police Out Post - Chikhali, Police Station - Kotwali, District Rajnandgaon C.G.

... Non-Applicant(s)

For Applicant	:	Mr. Khilendra Sahu, Advocate.
For Non-Applicant/State	:	Ms. Ritika Verma, Panel Lawyer

Hon'ble Mr. Rakesh Mohan Pandey, Judge

Order on Board

08/10/2026

1. The applicant has preferred this bail application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail, as he has been arrested in connection with Crime No. 493/2026, registered at Police Station Kotwali, District Rajnandgaon (C.G.), for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.

2. The prosecution case, in brief, is that on 30.08.2026, the concerned police received secret information that the applicant had kept country-

made liquor. Acting upon the said information, the police conducted a raid and allegedly seized 5.760 bulk litres of liquor from the possession of the applicant. On the basis of the said seizure, the present offence under Section 34(2) of the Chhattisgarh Excise Act was registered against the applicant.

3. Learned counsel for the applicant would submit that the applicant is innocent and has been falsely implicated in the present case. It is submitted that the alleged liquor was not seized from the conscious and exclusive possession of the applicant, but was seized from an open place. He would further submit that the charge-sheet has already been filed before the competent Court. So far as the criminal antecedents of the applicant are concerned, he has five criminal antecedents, out of which three cases are registered under the Excise Act, one of which has resulted in acquittal and two are pending, whereas one case under the IPC and one case under the BNS are also pending, as disclosed in Part-D of the bail application. He would further submit that the applicant is in custody since 30.08.2026 and the conclusion of the trial is likely to take some time. On these grounds, he prays for grant of bail.

4. On the other hand, learned State counsel would oppose the prayer for grant of bail and submit that the applicant has five criminal antecedents, out of which three are under the Excise Act, one under the IPC and one under the BNS, as disclosed in Part-D of the bail application. It is further submitted that the applicant is a habitual offender. Therefore, looking to his criminal antecedents, conduct and the nature of the present offence, the applicant is not entitled to be

enlarged on bail.

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

6. Having considered the facts and circumstances of the case, nature and gravity of the offence alleged against the applicant and more particularly, his criminal antecedents as disclosed in Part-D of the bail application, this Court finds that the applicant has five criminal antecedents, out of which three cases are registered under the C.G. Excise Act, one of which has resulted in acquittal and two are pending, while one case under the IPC and one case under the BNS are also pending. Thus, the applicant has repeatedly been involved in criminal activities, including offences under the Excise Act and also in light of the judgment rendered by the Supreme Court in ***Deepak Yadav v. State of Uttar Pradesh & Another***, reported in ***(2022) 8 SCC 559***, wherein the Hon'ble Supreme Court had cancelled the bail granted to the accused therein on the ground that the accused had previous antecedents, this Court is of the opinion that is not a fit case to enlarge the applicant on regular bail. Accordingly, the bail application of the applicant, filed under Section 483 of the BNSS, involved in Crime No. 493/2026, registered at Police Station Kotwali, District Rajnandgaon (C.G.), for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act., is **rejected.**

Sd/-
(Rakesh Mohan Pandey)
Judge

Kunal