

CGHC010408322026

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 9840 of 2026

Vinay Singh Thakur S/o Shri Gajraj Singh Thakur, Aged About 51 Years R/o Ward No. 39, Vikas Nagar, Railway Bangla Para, Kotra Road, Police Station City Kotwali, Raigarh, Tahsil And District Raigarh C.G.

--- **Applicant**

Versus

State Of Chhattisgarh Through The Station House Officer, Police Station - Saraipali, District - Mahasamund C.G.

--- **Respondent(s)**

MCRC No. 10196 of 2026

1 - Swaroop Singh Saluja S/o Manjeet Singh Saluja Aged About 36 Years R/o Ward No. 12 Udiyapara, Saraipali, P. S. Saraipali District Mahasamund, C. G.

2 - Ankit Chhabra S/o Harjeet Singh Aged About 30 Years R/o, Ward No. 12, Udiyapara, Saraipali, P. S. Saraipali District Mahasamund, C. G.

---Applicants

Versus

State Of Chhattisgarh Through Station House Officer, P. S. Saraipali District Mahasamund, C. G.

--- **Respondent(s)**

MCRC No. 10056 of 2026

Ayush Mahapatra S/o Umesh Mahapatra, Aged About 25 Years R/o Mahalpara, Saraipali, Police Station Saraipali, District Mahasamund C.G.

--- **Applicant**

Versus

State Of Chhattisgarh Through Police Station Saraipali, District Mahasamund C.G.

--- **Respondent(s)**

MCRC No. 10430 of 2026

Dheeraj Ahuja S/o Shri Dinesh Kumar Ahuja Aged About 32 Years R/o House No. 1113, Sector 19, Faridabad, Kheri Kala, District Faridabad Haryana

--- **Applicant**

Versus

The State Of Chhattisgarh Through Station House Officer, Police Station - Saraipali, Distt. Mahasamund Chhattisgarh

--- **Respondent(s)**

For Respective applicants	:	Mr. Manoj Paranjpe, Senior Advocate with Mr. Kabeer Kalwani, Advocate Mr. Hari Agrawal, Advocate, Mr. Sumit Shrivastava, Advocate, Mr. Goutam Khetrapal, Advocate
For Non-Applicant	:	Mr. Dharmesh Shrivastava, G.A.

Hon'ble Shri Justice Rakesh Mohan Pandey

Order on Board

05.11.2026

1. Since all these bail applications are arising out of same crime number, therefore, they are being disposed of by this common order.

2. These are the first bail application filed under under Section 483 of the

Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to the applicants, who have been arrested in connection with Crime No.264 of 2026 registered at Police Station: Saraipali, District: Mahasamund, Chhattisgarh for the offence punishable under Sections 34 (2) and 59 of Excise Act, Section 111 (2), 338, 340 (4) and 336 (3) of BNS.

3. As per the prosecution case, on 10.08.2026, the police of Police Station Saraipali, District Mahasamund, received secret information that the co-accused, namely, Rajesh, resident of Bhavarpur, along with his friend Ajit Patel, resident of Kutela, was carrying an intoxicating substance, i.e., foreign liquor, in his Duster car bearing registration No. CG 04 PS 3481. Acting upon the said information, the police intercepted the aforesaid vehicle and seized 1,192 quarters (300 boxes), containing 214.56 litres of foreign liquor bearing the brand name "Goa". The co-accused persons, namely, Rajesh Patel and Ajit Patel, were arrested on the spot. Subsequently, co-accused Amit Patel was also arrested. That, during the course of investigation, the memorandum statements of the co-accused persons were recorded, wherein it was alleged that a total of 500 boxes of foreign liquor bearing the brand name "Goa" had been procured from one Dheeraj Ahuja of Faridabad. Out of the said 500 boxes, 300 boxes were seized from the possession of co-accused Rajesh Patel and Ajit Patel. With regard to the remaining 200 boxes, it was stated in the memorandum statements that one Vinay Thakur had distributed 15 boxes to the present applicant, namely, Ayush Mahapatra, proprietor of Mamta Hotel; 11 boxes to Swaroop Singh Saluja; and 40 boxes to Ankit Chhabra, proprietor of Mama Bhanja Hotel. On the basis of the

aforesaid memorandum statements, the present applicant, namely, Ayush Mahapatra, was arrested by the police on 26.09.2026.

4. Mr. Manoj Paranjpe, learned Senior Advocate appearing in MCRC No. 10056 of 2026, submits that 214.56 bulk litres of foreign liquor were recovered from the possession of co-accused Rajesh and Ajit Patel. He further submits that no contraband article was recovered from the possession of the other co-accused persons. It is also contended that the charge-sheet has been filed and that the applicants have been in judicial custody since 26.09.2026, 11.08.2026 and 16.08.2026, respectively.

5. Mr. Hari Agrawal, learned counsel appearing in MCRC No. 9840 of 2026, submits that the applicant has one criminal antecedent. He further submits that an interim order has been passed in favour of the applicant by the Hon'ble Supreme Court, a copy of which has been placed on record.

6. Mr. Manoj Paranjpe, learned Senior Advocate appearing in MCRC No. 10056 of 2026, further submits that the applicant has 16 criminal antecedents, out of which he has been acquitted in 11 cases, his involvement has not been established in two cases, and in one case, only a fine has been imposed, while one case is still pending consideration. An affidavit to this effect has also been placed on record. He has placed reliance upon the judgment passed by the Hon'ble Supreme Court in *Ayub Khan v. State of Rajasthan*, reported in 2024 SCC OnLine SC 3763, wherein the Hon'ble Supreme Court has held that the existence of criminal antecedents of an accused is only one of the several factors to be considered while deciding a prayer for bail. It has further been held that where an accused makes out a strong prima

facie case, having regard to the facts and circumstances of the case and the period of incarceration, the mere existence of criminal antecedents may not, by itself, constitute a ground for denying bail.

7. Mr. Goutam Khetrapal, learned counsel appearing in MCRC No. 10196 of 2026, submits that there are two applicants in the said case. Applicant No. 1 has two criminal antecedents, in both of which he has already been acquitted. Applicant No. 2 has three criminal cases registered against him, all of which have been disposed of. Thus, it is contended that neither of the applicants has any subsisting criminal antecedent.

8. Mr. Sumit Shrivastava, learned counsel appearing in MCRC No. 10430 of 2026, submits that the applicant has one criminal antecedent pertaining to the year 2023.

9. On the basis of the aforesaid submissions, learned counsel appearing for the respective applicants pray that the applicants be released on bail.

10. Per contra, Mr. Dharmesh Shrivastava, learned Government Advocate appearing for the State, opposes the bail applications and submits that the present applicants are habitual offenders and are involved in the illegal transportation of liquor from Haryana to the State of Chhattisgarh. He submits that co-accused Rajesh and Ajit Patel were apprehended by the police and 300 cartons of foreign liquor were seized from their possession. He further submits that the said co-accused persons had distributed the remaining 200 cartons of liquor among various persons, pursuant to which the other accused persons were also taken into custody. Learned State counsel further contends that the case involves allegations of transportation and distribution of a

huge quantity of illicit liquor and that the applicants have criminal antecedents. Therefore, considering the gravity of the allegations and the criminal antecedents of the applicants, the present bail applications deserve to be rejected.

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

12. Having considered the rival submissions and the material available on record, this Court finds that the mere existence of criminal antecedents cannot, by itself, be a ground for rejecting a bail application, as held by the Hon'ble Supreme Court in *Ayub Khan (supra)*. Learned counsel appearing for the respective applicants have specifically submitted that there are, at best, only one or two subsisting criminal antecedents against the respective applicants. It is further evident from the material available on record that 214.56 bulk litres of foreign liquor were seized from the possession of co-accused Rajesh and Ajit Patel. However, no such recovery or seizure of liquor has been effected from the possession of the present applicants. The names of the other co-accused persons surfaced during the investigation primarily on the basis of the memorandum statements of co-accused Rajesh and Ajit Patel. Further, taking into consideration the fact that the charge-sheet has already been filed, the applicants have been in judicial custody for a considerable period, and the trial is likely to take considerable time to conclude, this Court is of the considered opinion that the applicants have made out a case for grant of bail. Accordingly, without expressing any opinion on the merits of the case, this Court is inclined to release the applicants on bail.

13. It is directed that in the event of the applicants, each of them executing a personal bond for a sum of **Rs. 50,000/-** to the satisfaction of the concerned trial Court, he shall be released on bail on the following conditions:-

(a) they shall make himself available for interrogation by the police officer as and when required;

(b) they 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; and

(c) they shall not act in any manner which will be prejudicial to a fair and expeditious 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

Saurabh