CGHC010425742026

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 10441 of 2026

Dalendra Kumar Sapha S/o Shri Gajadhar Sapha Aged About 36 Years R/o Sheetalpara Gurur, Thana-Gurur, Distt. - Balod (C.G.)

... Applicant(s)

versus

The State Of Chhattisgarh Through Station House Officer, Police Station - Arjuni, Distt.- Dhamtari (C.G.)

... Non-Applicant(s)

For Applicant	:	Mr. Sunil Sahu, Advocate.
For Non-Applicant/State	:	Ms. Ankita Shukla, Panel Lawyer

Hon'ble Mr. Rakesh Mohan Pandey, Judge

Order on Board

03/11/2026

1. This is the first bail application filed by the applicant 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. 90/2026 registered at Police Station Arjuni, District Dhamtari (C.G.), for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.

2. The prosecution story, in brief, is that on 25.07.2026, the police of Police Station Arjuni, District Dhamtari, received secret information that co-accused Khilendra Sahu @ Golu and Kamlesh Sahu had stored a huge quantity of liquor at village Dhourbhatha for the purpose of sale. Acting upon the said information, the police conducted a search and seized 457.920 bulk litres of liquor kept in boxes at the houses of the said co-accused persons. As they failed to produce any valid documents regarding the possession of the liquor, they were arrested and their memorandum statements were recorded, wherein they allegedly disclosed that the liquor had been purchased from the Government liquor shop at Balod. During further inquiry, it was revealed that the liquor had allegedly been sold by the employees of the said shop after its closing hours. Consequently, the present applicant, who was working as a security guard at the said liquor shop, along with other employees, was implicated in the present case. After completion of the investigation, charge-sheet has been filed before the competent Court.

3. Learned counsel for the applicant would submit that the applicant is innocent and has been falsely implicated in the present case. He would further submit that no liquor was seized from the possession of the applicant and his implication is solely on the ground that he was working as a security guard at the liquor shop from where the co-accused persons allegedly purchased the

seized liquor. He would further submit that the applicant had no role in the alleged sale of liquor, as his duty was confined to the security of the shop. He would also submit that similarly situated co-accused persons, namely Yashpal Deshmukh, Chumman Lal Neelmalkar and Dilip Kumar, have already been granted bail by this Court in MCRC No. 10104 of 2026 vide order dated 28.10.2026 and the case of the present applicant is similar to that of the said co-accused persons. He would further submit that the applicant has no criminal antecedents, charge-sheet has already been filed and the trial is likely to take considerable time to conclude. Therefore, he prays for grant of regular bail to the applicant.

4. On the other hand, learned State counsel would oppose the prayer for grant of bail and submit that the applicant was working as a security guard at the liquor shop from where the co-accused persons allegedly purchased the liquor involved in the present case. However, she would fairly submit that the applicant has no criminal antecedents and the charge-sheet has already been filed before the competent Court. Nevertheless, considering the seriousness of the allegations, she prays for rejection of the bail application.

5. I have heard learned counsel 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, the fact that the alleged liquor was seized from the possession of co-accused Khilendra Sahu @ Golu and Kamlesh Sahu and no recovery has been made from the present applicant and further considering that similarly situated co-accused persons, namely Yashpal Deshmukh, Chumman Lal Neelmalkar and Dilip Kumar, have already been granted bail by this Court in MCRC No. 10104 of 2026 vide order dated 28.10.2026, the applicant has no criminal antecedents, charge-sheet has already been filed and he is in judicial custody since 11.08.2026, thus without further commenting upon the merits of the case, this Court is inclined to grant bail to the applicant.

7. Accordingly, the bail application of the applicant is **allowed**. 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.

Sd/-
(Rakesh Mohan Pandey)
Judge

Kunal