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HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 10415 of 2026

Toshan Kumar Miri S/o Manaram Miri Aged About 29 Years R/o Village- Dhobghatti, Police Station- Nandghat, District- Bemetara (C.G.)

... Petitioner(s)

versus

State Of Chhattisgarh Through The Station House Officer, Police Station- Nandghat, District- Bemetara (C.G.)

... Respondent(s)

For Petitioner(s)	:	Mr. Khilendra Sahu, Advocate
For Respondent(s)	:	Ms. Richa Sahu, P.L. for the State

(Hon'ble Shri Justice Ravindra Kumar Agrawal, J.)

Order on Board

03/11/2026

1. Heard.

2. This is the third bail application of the applicant who has been arrested on 16.05.2026 for the offence under Section 34(2) of Chhattisgarh Excise Act, 1915 in connection with Crime No.114/2026 registered at Police Station - Nandghat, District Bemetara.

3. The first bail application of the applicant has been rejected by this Court vide order dated 24.07.2026 passed in MCRC No.6541/2026. The second bail application of the applicant has also been dismissed

by this Court vide order dated 20.08.2026 passed in MCRC No. 7727/2026. Thereafter, this third bail application has been filed by the applicant.

4. The prosecution's case is that on 16.05.2026, on the basis of secret information, the police personnel of Nandghat intercepted the present applicant near Tarpongi Tiraha, Village - Nandghat and seized 8.82 bulk liter of country-made liquor from his possession. Thereafter, FIR was registered and after investigation, charge sheet has been filed.

5. Learned counsel for the applicant would submit that 8.82 bulk liter of country-made liquor has allegedly seized from the applicant. He is in jail since 16.05.2026. Investigation has been completed and charge sheet has been filed. The two seizure witnesses have been examined before the learned trial Court and none of them have duly supported the prosecution's case. The offence is triable by Judicial Magistrate First Class and no custodial interrogation is required. He would also submit that although the applicant is having criminal antecedent, however, out of six criminal antecedents, he has been acquitted in one offence related to Section 380 of the IPC, the three other offences are with respect to Section 36C of the Chhattisgarh Excise Act, 1915 and one is the istagasa submitted by Nandghat police under Section 126 and 135(3) of Bharatiya Nagarik Suraksha Sanhita, 2023 and only one offence under Section 34(2) of Chhattisgarh Excise Act is pending for its consideration before the learned trial Court. Considering the fact that the applicant is in jail since 16.05.2026 and out of total 12 witnesses, only two witnesses have been examined, the applicant may be released on bail.

6. On the other hand, learned counsel appearing for the State opposes and have submitted that the applicant is a habitual offender and there are criminal antecedents against the applicant and one case of 34(2) of Chhattisgarh Excise Act is pending against him. 8.82 bulk liter of country-made liquor has been seized from the possession of the applicant and earlier two bail applications of the applicant has been dismissed on merits, therefore, he is not entitled to be released on bail.

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

8. Considering the submissions made by learned counsel for the parties, considering the nature of allegation against the present applicant, the fact that he is in jail since 16.05.2026, the offence is triable by Judicial Magistrate First Class and that two seizure witnesses have been examined, although another offence of Section 34(2) of Chhattisgarh Excise Act is registered against the applicant and the trial of the case is pending, looking to the possibility of conclusion of the trial in the present case, on the ground of delay, this Court is inclined to release the applicant on bail.

9. Accordingly, the third bail application of the present applicant **Toshan Kumar Miri** is **allowed** and the applicant is directed to be released on bail on furnishing a personal bond in the sum of Rs. 50,000/- (Rupees Fifty Thousand only), with one surety of the like amount, to the satisfaction of the learned Court below, subject to the following conditions:-

(a) 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.

(b) he shall not act in any manner which will be prejudicial to fair and expeditious trial.

(c) he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

(d) the applicant and the surety shall submit a copy of their aadhar card alongwith a coloured postcard full size photo having printed the aadhar number on it, which shall be verified by the trial Court.

(e) he shall not involve himself in any offence of similar nature in future.

Sd/-
(Ravindra Kumar Agrawal)
JUDGE

Sumit