CGHC010432092026 2026:CGHC:46564

RAVI SHANKAR MANDAVI Digitally signed by RAVI SHANKAR MANDAVI

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRCA No. 1835 of 2026

Himanshu Rathi Son of Jogender Rathi Aged About 28 Years Resident Of Shivnagar, Police Station - Shivadih, District - Rohtak At Present Kabir Nagar, Phase -2, Near J. P. Chowk, Police Station - Kabir Nagar, District - Raipur (C.G.) (Applicant is in Jail in connection with other similar crime registered at Police Station Jutmil, District - Raigarh)

... Applicant

versus

State Of Chhattisgarh Through The Station House Officer, Police Station - Kotra Road, District - Raigarh (C.G.)

... Respondent

(Cause title is taken from CIS)

For Applicant	**:** Mr. Goutam Khetrapal, Advocate
For State/Respondent	**:** Mr. Amit Verma, Panel Lawyer

Hon'ble Shri Justice Parth Prateem Sahu

Order on Board

03/11/2026

1. Applicant has preferred second bail application under Section 482 of Bhartiya Nagrik Suraksha Sanhita, 2023 for grant of anticipatory bail as he apprehends his arrest in connection with

Crime No. 379/2026 registered at Police Station- Kotra Road, District Raigarh (C.G.) for offence punishable under Sections 305(e), 61(2), 3(5) of BNS and Sections 26, 33, 41, 42, 52 of Forest Act.

2. Case of the prosecution, in brief, is that on 23/10/2025 at 09.30 p.m., the Forest Divisional Officer, Forest Division Raigarh received information from an informer that some persons were loading wood in a truck in the dark of night near Naharpara Road brick kiln of Gram Kurmapali. After receiving the information, he went to the spot along with the accompanying staff and the labourers present there ran away after seeing them. Mahendra Yadav and Rohit Mittal were running away from the spot were caught. On questioning Rohit Mittal and others on the spot regarding the tendu and khair wood being loaded in truck number HR 69 D 9616, it was stated that they did not have valid documents, thereafter, the truck and wood were seized. On questioning, it was found that Rohit Mittal was using Scorpio vehicle number HR 13 V 0230 for smuggling.

3. Learned counsel for the applicant submits that the applicant has not committed any offence as alleged and the applicant has been made accused only on the basis of memorandum statement of one of the co-accused. As per allegation the police seized the wood in the forest area from the vehicle on which it was loaded and not from the premises in possession of the present applicant.

He further submits that thought there are 7 criminal antecedent against the applicant, however, after year 2022, 4 crime has been registered in which the applicant has been implicated in the year 2026, after implication of applicant in one crime of the similar nature and others crime of forest offence.

4. Learned State counsel oppose the submission of learned counsel for applicant and submits that when upon information the forest officers reached on the spot found the persons loading the wood on the vehicle and upon seeing the forest officer many of the persons/labours run away and 2 persons were arrested namely Mahendra Yadav and Rohit Mittal. Based on their memorandum statement, applicant was also implicated in the crime in question. He also submits that seizure of wood is made from the vehicle standing in the forest area.

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

6. On due consideration of the facts and circumstances of the case, nature of allegation, submission of learned counsel for the parties, further considering that only on the basis of memorandum statement of one of the co-accused and police seized the wood in the forest area from the vehicle on which it was loaded and not from the possession of the premises of the present applicant, without commenting anything on merits, I am inclined to allow this anticipatory bail application.

7. Accordingly, application is allowed and it is directed that in the event of arrest of applicant in connection with the aforementioned crime number, he shall be released on anticipatory bail by the Officer arresting him on his executing a personal bond in the sum of ₹25,000/- with one surety in the like sum to the satisfaction of the concerned arresting Officer. Applicant shall also abide by the following conditions:

(i) that the applicant shall make himself available for interrogation before the Investigation Officer as and when required;

(ii) that the applicant 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/her from disclosing such facts to the Court or to any police officer;

(iii) that the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and

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

Certified copy as per rules.

Sd/-

(Parth Prateem Sahu)

JUDGE

Ravi Mandavi