CGHC010433562026

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 10559 of 2026

Mahendra Tande S/o Premlal Tande Aged About 32 Years R/o Village Devari, Police Station Komakhan, District Mahasamund (C.G.)

... Applicant(s)

versus

State Of Chhattisgarh Through Station House Officer, P.S. Komakhan, District Mahasamund (C.G.)

... Non-Applicant(s)

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

Hon'ble Mr. Rakesh Mohan Pandey, Judge

Order on Board

04/11/2026

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. 104/2026, registered at Police Station Komakhan, District Mahasamund (C.G.), for the offences punishable under Sections 34(2), 35 and 49-B(C) of the Chhattisgarh Excise Act and Sections 274, 275, 347, 338 and 340(2) of the Bharatiya Nyaya Sanhita, 2023.

2. The prosecution story, in brief, is that during routine patrolling, the police received secret information that three persons had illegally stored country-made Mahua liquor and spirit for the purpose of mixing and selling the same. Acting upon the information, the police conducted a raid and allegedly seized liquor and 280 litres of spirit. It is alleged that the applicant assisted the co-accused persons in adulterating the liquor. On the basis of the said information and seizure, the aforesaid offences were registered against the applicant and other accused persons.

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 similarly situated co-accused persons, namely, Upendra Kumar Singh and Ranjeet Singh, have already been granted bail by this Court in MCRC No. 10352 of 2026 vide order dated 02.11.2026. He would also submit that co-accused persons, namely, Ashish Jangde, Bhuvan Malhotra and Naresh Malhotra, have been granted bail by this Court in MCRC No. 9741 of 2026 vide order dated 30.10.2026. Similarly, co-accused Mohammad Kaleem has also been granted bail by this Court in MCRC No. 9308 of 2026 vide order dated 16.10.2026 and the case of the present applicant is on similar footing and therefore, he is also entitled to the benefit of parity. It is further submitted that the applicant is in jail since 12.07.2026, the alleged seizure was not made from his exclusive possession and his

implication is based on the memorandum statement of the co-accused. The applicant has one previous criminal case bearing Crime No. 106/2024, registered at Police Station Komakhan, in which he has already been acquitted vide judgment dated 14.11.2024. The conclusion of the trial is likely to take some time. On these grounds, learned counsel prays for grant of bail to the applicant.

4. On the other hand, learned State counsel would oppose the prayer for grant of bail and submit that the charge-sheet has already been filed before the competent Court however, she would submit that, looking to the quantity of liquor seized from the possession of the co-accused persons and the alleged involvement of the present applicant in the commission of the offence, the applicant is not entitled to be released on bail.

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

6. Taking into consideration the facts and circumstances of the case, nature and gravity of allegations levelled against the applicant, the fact that the applicant has no subsisting criminal antecedents and the previous criminal case registered against him has culminated in acquittal, further, the fact that the alleged liquor and spirit were seized from the possession of the co-accused persons and similarly situated co-accused persons, namely, Upendra Kumar Singh and Ranjeet Singh, have been granted bail by this Court in

MCRC No. 10352 of 2026 vide order dated 02.11.2026, co-accused persons Ashish Jangde, Bhuvan Malhotra and Naresh Malhotra have been granted bail in MCRC No. 9741 of 2026 vide order dated 30.10.2026 and co-accused Mohammad Kaleem has also been granted bail in MCRC No. 9308 of 2026 vide order dated 16.10.2026 and further considering that the applicant is in jail since 12.07.2026 and the conclusion of the trial is likely to take some time, I am inclined to grant regular 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