CGHC010438772026 2026:CGHC:47080

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 10668 of 2026

- Shubham Sarkar S/o R. K. Sarkar, Aged About 26 Years R/o R.A.S. Colony, Kondagaon, Tehsil And District Kondagaon C.G.

... Applicant

versus

- State Of Chhattisgarh Through Police Station Gatapar District Khairagarh-Chhuikhadan-Gandai C.G.

... Non-Applicant

For Applicant : Mr. Pravin Kumar Tulsyan, Advocate
For State : Ms. Sameeksha Gupta, Panel Lawyer

Hon'ble Shri Justice Rakesh Mohan Pandey

Order on Board

16.11.2026

1. This is the first bail application filed under Section 483 of the Bhartiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to the applicant who has been arrested in connection with Crime No. 46/2026 registered at Police Station Gatapar, District Khairagarh-Chhuikhadan-Gandai (C.G.), for the offence punishable under Sections 34(2), 36 & 42 of C.G. Excise Act.

2. The case of the prosecution, in brief, is that the police of Police Station Gatapar received an information from the informant and on the basis of the said information intercepted Bolero Car bearing registration No. CG 11 M 5247 and seized 225 bulk liters of illicit liquor from possession of the present applicant and co-accused person. Thereafter, Police has registered an

aforesaid offence against the present applicant.

3. Learned counsel for the applicant submits that the applicant has falsely been implicated in the present case and alleged 225 bulk litres of illicit liquor were not seized from his exclusive possession. It is further submitted that the applicant has five criminal antecedents registered in the year 2020 and 2025. He also submits that co-accused has already been granted bail by this Court in MCRC No. 9576 of 2026 vide order dated 09.10.2026. It is further submitted that the applicant is in jail since 09.08.2026, charge-sheet has already been filed, and trial is likely to take considerable time to conclude. Thus, he would pray for grant of bail to the present applicant.

4. On the other hand, learned counsel for the State would oppose the bail application and submits that applicant has five criminal antecedents, one case is registered under the Excise Act. It is further contended that co-accused, who has been granted bail, has no criminal antecedents, and therefore, he is not entitled for grant of bail.

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

6. In the present bail application, the applicant has disclosed five criminal antecedents, out of which one case is of similar nature. Nonetheless, the primary objectives of examining an accused person's criminal antecedents during bail proceedings are:

    - To assess the likelihood of compliance with bail conditions and ensure the accused will not flee or jump bail;
    - To determine whether there is a habitual pattern of committing similar or grave offenses; and

- To evaluate the risk of evidence tampering, obstruction of the ongoing investigation, or witness intimidation.

7. The existence of total 05 criminal antecedents and 01 case of an identical nature underscores a persistent pattern of offending, raising a grave apprehension of offense repetition if he is enlarged on bail.

8. Also in light of the judgment rendered by the Supreme Court in ***Deepak Yadav v. State of Uttar Pradesh & Another***, reported in **(2022) 8 SCC 559**, wherein the Hon'ble Supreme Court had cancelled the bail granted to the accused therein on the ground that the accused had previous antecedents. Though, co-accused has been granted bail by this Court, but he has no criminal antecedents, therefore, considering the criminal antecedents of the present applicant, this Court is not inclined to extend benefit of bail to him.

9. Accordingly, instant bail application is hereby **rejected.**

Sd/-
(Rakesh Mohan Pandey)
JUDGE

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