



2026:CGHC:7425

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**MCRC No. 289 of 2026**

Aajam Khan S/o Ramjat Manshuri Aged About 27 Years R/o Village Ojhar
Tehsil Rajpur Police Station Nagalbadi District Badwani (M.P.)

... Applicant**versus**

State Of Chhattisgarh Through District Magistrate, Durg, District Durg (C.G.)

...Non-applicant

For Applicant : Mr. Avinash Chand Sahu, Advocate

For Non-Applicant/State : Ms. Palak Dwivedi, Panel Lawyer.

Hon'ble Shri Ramesh Sinha, Chief Justice**Order on Board****10.02.2026**

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. 37/2025 registered at Police Station - Patan District – Durg (C.G.), for the offences punishable under Sections 61(2) of the BNS and Section 34(2) & 36 of the C.G. Excise Act.
2. The prosecution story in brief is that on 08.02.2025 the concerned

police station received secret information that some unknown persons are transporting illegal liquor in vehicle bearing registration number MP 46 H 0513 and when the police reached near village Funda, the above vehicle entered into one farm house and police recovered 4500 bulk liters of illegal liquor. Hence the above offence has been registered.

- 3.** Learned counsel for the applicant submits that the present applicant is innocent persons and has been falsely implicated in the aforesaid case. He also submits that the applicant is the sole breadwinner of his family and undertakes to appear before the trial Court and not to misuse the liberty granted by this Hon'ble Court. It is further submitted that the applicant was only a paid driver of the offending vehicle, is not the owner of the seized liquor, and no liquor was recovered from his exclusive possession; hence, he has no involvement in the alleged offence and no custodial interrogation is required. It is also contended that two co-accused persons have already been granted bail by this Hon'ble High Court in MCRC Nos. 1668/2025 and 3216/2025 on similar allegations. The applicant has been in custody since 08.02.2025 and has already undergone about 10 months of detention, which is equivalent to the possible sentence if convicted, therefore he prays for grant of bail and reserves his right to raise additional grounds at the time of hearing.
- 4.** On the other hand, learned State Counsel opposes the bail application of the present applicant and submits that the charge-sheet has already been filed in the present case, and the applicant has six criminal antecedent, therefore, he is not entitled to be released on

bail.

5. I have heard learned counsel for the parties and perused the case diary.
6. Considering the overall facts and circumstances of the case, the nature and gravity of the allegations levelled against the applicant, and further taking into account that the charge-sheet has already been filed before the competent Court and two co-accused persons have been granted bail by this Hon'ble High Court in MCRC Nos. 1668/2025 and 3216/2025 on similar allegations, and also considering that the applicant has remained in judicial custody since 08.02.2025 and the conclusion of the trial is likely to take some time, this Court is inclined to grant regular bail to the present applicant.
7. Let the Applicant – **Aajam Khan** , involved in Crime No. 37/2025 registered at Police Station - Patan District – Durg (C.G.), for the offences punishable under Sections 61(2) of the BNS and Section 34(2) & 36 of the C.G. Excise Act, be released on bail on his furnishing **personal bond** with **two local sureties** in the like sum to the satisfaction of the Court concerned with the following conditions:-

(i) The applicant shall file an undertaking to the effect that he shall not seek any adjournment on the dates fixed for evidence when the witnesses are present in court. In case of default of this condition, it shall be open for the trial court to treat it as abuse of liberty of bail and pass orders in accordance with law.

(ii) The applicant shall remain present before the trial court on each date fixed, either personally or through his counsel. In case of his absence, without sufficient cause, the trial court may proceed against him under Section 269 of Bharatiya Nyaya Sanhita.

(iii) In case, the applicant misuses the liberty of bail during trial and in order to secure his presence, proclamation under Section 84 of BNSS. is issued and the applicant fails to appear before the court on the date fixed in such proclamation, then, the trial court

shall initiate proceedings against him, in accordance with law, under Section 209 of the Bharatiya Nyaya Sanhita.

(iv) The applicant shall remain present, in person, before the trial court on the dates fixed for (i) opening of the case, (ii) framing of charge and (iii) recording of statement under Section 351 of BNSS. If in the opinion of the trial court absence of the applicant is deliberate or without sufficient cause, then it shall be open for the trial court to treat such default as abuse of liberty of bail and proceed against him in accordance with law.

8. Office is directed to send a certified copy of this order to the trial Court concerned for necessary information and compliance forthwith.

Sd/-
(Ramesh Sinha)
Chief Justice