



2026:CGHC:20751

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****MCRC No. 2990 of 2026**

- Jitendra Kosariya S/o Late Shri Konda Prasad Kosariya Aged About 46 Years R/o Village Lakhagarh, Thana- Pithoura, Distt. Mahasamund (CG)

... Applicant(s)**versus**

- The State of Chhattisgarh Through Station House Officer, Police Station- Pithoura, Distt. Mahasamund (CG)

... Respondent(s)**(Cause title is taken from Case Information System)**

For Applicant(s) : Mr. Shivam Agrawal, Advocate

For Respondent(s) : Ms. Sameeksha Gupta, Panel Lawyer

Hon'ble Shri Ramesh Sinha, Chief Justice**Order on Board****04.05.2026**

1. The applicant has preferred this First Bail Application 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. 74/2026, registered at Police Station – Pithoura, District – Mahasamund (C.G.) for the offence punishable under Section 34(2) of C.G. Excise Act.
2. The case of the prosecution, in brief, is that, on 13.03.2026, the concerned Police during the routine patrolling and crime detention



received a secret information from the informant with the averment that one Person Namely Jitendra Kosariya was illegally kept and selling hand Jitendra made Mahua Liquor at his Residence Situated in Village Lakhagarh The police officers along with Independent Witnesses, Proceed to the Spot and Conduct Raid at the house of accused upon search, the accused was found present at the spot. On inquiry, he disclosed his identity as Kosariya. During the search police recovered 1 Plastic Jericane of 20 liters capacity containing 10 liter of Mahua Liquor, and another plastic Jericane of 20 liters Capacity Containing 10 Liters of illicit Mahua Liquor, thus total 20 Liters of illegally possessed country-made liquor, was found conscious and exclusive possession of the accused therefore the applicant was arrested.

3. It is argued by the learned counsel for the applicant that the applicant is innocent and has been falsely implicated in this case and there is no criminal antecedents registered against the present applicant. It is further submitted that the charge-sheet has been filed in this case. He further submits that under Section 34(2) of the Excise Act, minimum punishment is one year and maximum punishment is three years. The applicant is in jail since 13.03.2026 and trial is likely to take some time for its conclusion, therefore, he prays for grant of bail.
4. On the other hand, the learned State counsel opposes the bail application and submits that there is no criminal antecedents registered against the present applicant, and the charge-sheet has been filed in this case. It is further submitted that total of 20 Liters of illegally possessed country-made liquor from the applicant, therefore, he is not entitled for grant of bail.



5. I have heard learned counsel for the parties and perused all of the documents available on record.
6. Taking into consideration the facts and circumstances of the case, nature and gravity of allegation levelled against the applicant and the fact that there is no any criminal antecedents registered against the present applicant, charge-sheet has been filed against the applicant and he is in jail since 13.03.2026 and conclusion of the trial is likely to take some time, I am inclined to allow this application.
7. Let applicant, **Jitendra Kosariya**, involved in Crime No.74/2026, registered at Police Station – Pithoura, District – Mahasamund (C.G.) for the offence punishable under Section 34(2) of C.G. Excise Act, be released on bail on his furnishing **a personal bond** with **two 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



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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

Vaishali