



2026:CGHC:12519

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**MCRC No. 1176 of 2026**

Rakesh Anand S/o Late Rajesh Anand Aged About 40 Years R/o Darrikapa,
P.S. Kota, Distt. Bilaspur, Chhattisgarh. **... Applicant**

versus

State Of Chhattisgarh Through P.S. Kota, Distt. Bilaspur, Chhattisgarh.

... Non-applicant

For Applicant : None.

For Non-Applicant : Mr. Shailendra Sharma, Panel Lawyer.

Hon'ble Mr. Ramesh Sinha, Chief Justice**Order on Board****16.03.2026**

1. None appears nor is any representation made on behalf of the applicant to press this bail application when the case is called out.
2. It transpires from the record that the applicant is in jail since 03.12.2025. Hence, the Court proceeds to consider and hear the bail application of the applicant with the assistance of the State counsel.
3. This is the first bail application filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to the applicant who has been arrested in connection with Crime No. 1102/2025 registered at Police Station Kota, District - Bilaspur, (C.G.)



for the offence punishable under Section 34(2) of the Excise Act.

4. The case of the prosecution, in brief, is that the applicant/accused was found in possession of illicit liquor. During the course of investigation, it was alleged that the applicant had concealed raw Mahua liquor in the grass and bushes near the edge of the Nahani pond situated behind his house. Upon search, the police recovered about 10 liters of hand-made raw Mahua liquor kept in a white plastic container of about 15 liters capacity. The total value of the seized liquor was assessed at approximately Rs. 8,000/-. The applicant/accused failed to produce any valid license or document regarding the possession or sale of the said liquor. Consequently, a notice under Section 94 of the B.N.S.S. was served upon him and the contraband liquor was seized from his possession.
5. On the other hand, the learned State Counsel opposes the bail application and submits that during the course of investigation the applicant was found in possession of illicit liquor. It is alleged that the applicant had concealed raw Mahua liquor in the grass and bushes near the edge of the Nahani pond situated behind his house. During the search, the police recovered about 10 liters of hand-made raw Mahua liquor kept in a white plastic container of about 15 liters capacity, the total value of which was assessed at approximately Rs. 8,000/-. The applicant failed to produce any valid license or document regarding the possession or sale of the said liquor, and therefore an offence has been registered against him. Hence, the applicant is not entitled to be released on bail in the present case.
6. I have heard learned State counsel and perused the case diary.



7. Considering the facts and circumstances of the case, the nature and gravity of the offence levelled against the present applicant, and also taking into account that the applicant has no criminal antecedent, that the charge-sheet has been filed before the competent Court, and the applicant has been in jail since 03.12.2025, and that the conclusion of the trial may take some more time, this Court is of the considered opinion that the applicant is entitled to be released on bail in the present case.
8. Let the Applicant – **Rakesh Anand**, involved in Crime No. 1102/2025 registered at Police Station Kota, District - Bilaspur, (C.G.) for the offence punishable under Section 34(2) of the Excise Act, be released on bail on his furnishing **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 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



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trial court to treat such default as abuse of liberty of bail and proceed against him in accordance with law.

9. 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**

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