



2025:CGHC:22443

NAFR

**HIGH COURT OF CHHATTISGARH AT BILASPUR****MCRC No. 4166 of 2025**

**1** - Jogendra Sidar S/o Shri Lekhram Sidar Aged About 28 Years R/o Village- Khatola, Police Station- Akaltara, District- Janjgir-Champa (C.G.)

**--- Applicant(s)****versus**

**1** - State Of Chhattisgarh Through The District Magistrate Janjgir, District- Janjgir-Champa (C.G.)

**--- Non-applicant(s)**

(Cause title taken from the Case Information System)

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For Applicant	:	Mr. Paras Mani Shrivastava, Advocate
For Non-applicant/State	:	Mr. K.P. Gupta, GA

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

**29.05.2025**

- 1.** This is the **first bail application** filed under Section 483 of the Bhartiya Nagrik Suraksha Sanhita, 2023 for grant of regular bail to the applicant who has been arrested in connection with Crime No. 136/2025 registered at Police Station Akaltara, District Janjgir-Champa (C.G.), for the offences punishable under Section

34(2) of the C.G. Excise Act.

2. Case of the prosecution, in brief, is that on 21.04.2025, the Police received secret information from the informant and on the basis of such information, the police seized 9.5 bulk liter country made liquor (Mahua) from the possession of the applicant near Indira Udyan, Akaltara and, consequently, offence under Section 34(2) of the C.G. Excise Act was registered against him.
3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in this case. That, the liquor has been seized from an open place and not from the exclusive possession of the applicant. It is further submitted by the learned counsel for the applicant that there are two criminal antecedents against the applicant, one is Crime No.423/2024 registered at Police Station Akaltara under Section 34(2) of the C.G. Excise Act, which is pending before the learned trial Court and another is Crime No.323/2024 registered at Police Station Akaltara under Section 36(C) of the C.G. Excise Act, which has been disposed of by imposing fine upon the applicant. That, the applicant is in jail since 21.04.2025 and the conclusion of the trial is likely to take some time. Therefore, he prays for grant of regular bail to the applicant.
4. Learned counsel for the State/non-applicant would oppose the bail application.

5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Taking into consideration the facts and circumstances of the case, nature and gravity of allegation levelled against the applicant and further considering the fact that the applicant has two criminal antecedents of the year 2024, one of which is pending trial and the other has been disposed of by imposing fine upon the applicant and that he is in jail since 21.04.2025 and the trial is likely to take some time for its conclusion, therefore, I am of the opinion that the present applicant is entitled to be released on bail in this case.
7. Let the applicant, **Jogendra Sidar** involved in Crime No. 136/2025 registered at Police Station Akaltara, District Janjgir-Champa (C.G.), for the offences punishable under Section 34(2) of the C.G. Excise Act, be released on bail on him furnishing **a personal bond with two sureties**, in the like amount 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 the Bhartiya Nyaya Samhita.

(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 Bhartiya Nyaya Samhita.

(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 concerned trial Court forthwith for necessary information and compliance.

**Sd/-  
(Ramesh Sinha)  
Chief Justice**