NIRMALA RAO

CGHC010360272026 2026:CGHC:44654

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 9016 of 2026

1 - Om Tejeshwar S/o Kamlesh Mishra, Aged About 20 Years R/o Village-Birendranagar, Police Station - Sahaspurlphara, District Kabirdham Chhattisgarh.

... Petitioner(s)

versus

1 - State Of Chhattisgarh Through-Station House Officer, Police Station - Sahaspurlohara, District - Kabirdham (C.G.)

... Respondent(s)

For Applicant	:	Mr. Chandrikaditya Pandey, Advocate
For Non-applicant	:	Ms. Priya Sharma, Panel Lawyer

Hon'ble Shri Justice Rakesh Mohan Pandey

Order On Board

15.10.2026

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.118/2026 registered at Police Station Sahaspur Lohara, District Kabirdham (C.G.), for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.

2. The case of the prosecution, in brief, is that the police of Police Station Sahaspur Lohara, District Kabirdham (C.G.), received information from the informant and, on the basis of the said information, conducted a raid and seized 6,300 bulk litres of liquor from the possession of the present applicant. Thereafter, the police registered the aforesaid offence against the present applicant.

3. Learned counsel for the applicant would submit that the applicant is innocent and has been falsely implicated in the present case on the basis of his memorandum statement and mere suspicion on the part of the police authorities. He would further submit that the applicant has four criminal antecedents, out of which one is of a similar nature, registered in the year 2024, while the remaining three are registered under the BNS in the years 2025 and 2026. He would also contend that the applicant has been in jail since 29.8.2026 and that the trial is likely to take some time to conclude. He would, therefore, pray for grant of bail to the applicant.

4. On the other hand, learned counsel for the State would oppose the bail application and submit that the applicant has four criminal antecedents, one of which is of a similar nature, registered in the years 2024, 2025 and 2026, indicating that he is a habitual offender. He would, therefore, submit that the applicant is not entitled to be released on bail.

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

6. In the present bail application, the applicant has disclosed four criminal antecedents, one of which is of a similar nature. Nonetheless, the primary objectives of examining an accused person's criminal

antecedents during bail proceedings are as follows:

- 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.

The existence of 4 pending criminal antecedents underscores a persistent pattern of offending, raising a grave apprehension of offense repetition if he is enlarged on bail.

7. 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, this Court is not inclined to extend the benefit of bail to the applicant.

8. Accordingly, the instant bail application is **rejected**.

Sd/-

(Rakesh Mohan Pandey)
JUDGE

Nimmi