



2026:CGHC:24053

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 3112 of 2026

Deepak S/o Magandas Bairagi Aged About 43 Years R/o Ram Mandir
Chowk, Kunzar. Tq. Chalisgaon, District- Jalgaon, State- Maharashtra

... **Applicant(s)**

versus

The Narcotics Control Bureau Through- The Director 5th Floor, Central
Secretariat Building Atal Nagar, Nawa Raipur District Raipur C.G.

... **Respondent(s)**

For Applicant(s) : Mr. Aakash V. Bagal, Advocate.

For Respondent(s) : Mr. Ramakant Mishra, Deputy Solicitor
General.

Hon'ble Mr. Ramesh Sinha, Chief Justice

Order on Board

16/06/2026

1. This is the first bail application filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the applicant who has been arrested in connection with Crime No. 04/2025 registered at Police Station

Narcotics Control Bureau, District Raipur (C.G.), for the offence punishable under Sections 8, 20, 25 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

2. Case of the prosecution, in brief, is that on 22.06.2025, Inspector Sheikh Abdul Mohsin of the NCB Zonal Unit, Raipur received specific information that accused Deepak Magandas Bairagi and Sanjay Gaikwad were transporting a large quantity of contraband ganja from Berhampur, Odisha to Jalgaon, Maharashtra in an Eicher truck bearing registration No. MH-12-XM-5845 via Temri–Mahasamund–Raipur–Nagpur route. Acting upon the information, a joint team of NCB Raipur and Police Station Komakhan laid a blockade near Temri Naka in the early hours of 23.06.2025. At about 1:30 A.M., the said truck was intercepted and the occupants disclosed their identities as Deepak Magandas Bairagi and Sanjay Gaikwad. During search of the vehicle, the officials allegedly recovered 208.580 kilograms of ganja concealed beneath empty crates in five sacks loaded in the truck. The contraband was seized from the joint possession of the accused persons, who were arrested on the spot. Consequently, Crime No. 04/2025 was registered for offences punishable under Sections 8, 20, 25 and 29 of the NDPS Act. During investigation, it was further revealed from the memorandum statement of accused Deepak Bairagi that one "Nandu" had introduced him to a person named "Gautam", who allegedly offered Rs.1,00,000/- for transporting the ganja from Odisha to Jalgaon. The prosecution also relies upon

evidence of an alleged transfer of Rs.10,000/- through PhonePe, bank account details, CDR records, and telephonic contacts between the accused and other persons connected with the transaction. Hence, the bail application.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the present case. He is a driver by profession and has been engaged in the lawful business of transportation of goods for several years. His role was confined solely to driving vehicle bearing registration No. MH-12 XM-5845 and he had no concern whatsoever with the procurement, ownership, loading, handling, or transportation of the alleged contraband. The applicant was under the bona fide belief that the vehicle was carrying lawful goods and had no knowledge regarding the presence of any contraband substance concealed therein. Mere presence of the applicant as a driver of the vehicle cannot by itself establish conscious possession or criminal intent. He further submits that the prosecution material itself demonstrates that the principal supplier of the alleged contraband was one Hemant Rayta, who in his voluntary statement recorded on 10.11.2025 admitted having supplied the seized ganja and having loaded the same into the truck at Berhampur. Significantly, he neither named the present applicant nor attributed any role to him in the alleged transaction. There is also no material to show any telephonic communication or prior

connection between Hemant Rayta and the applicant. The financial transactions relied upon by the prosecution pertain to co-accused persons and there is no evidence showing that the applicant derived any financial benefit from or participated in the alleged illegal trade. He also submits that the applicant has cooperated with the investigation throughout and the investigation is now complete. The charge-sheet has already been filed and all recoveries have been effected. Thus, no further custodial interrogation of the applicant is required. Despite filing of the charge-sheet on 19.12.2025, none of the prosecution witnesses have been examined till date, though as many as 13 witnesses remain to be examined. The trial is therefore likely to take considerable time and continued incarceration of the applicant would amount to pre-trial punishment.

4. Learned counsel for the applicant later submits that the applicant is a first-time offender having no criminal antecedents and is not a habitual offender. He is a permanent resident of the address mentioned in the application and there is no possibility of his absconding or fleeing from justice. The applicant undertakes to abide by all conditions imposed by this Court and further undertakes not to tamper with prosecution evidence or influence any witness in any manner. He also submits that the applicant is the sole earning member of his family. His wife is working as a computer operator in a Gram Panchayat and he has dependent children and family members who rely upon his income for their

livelihood. The applicant earns his livelihood through driving work and continued detention has caused severe financial hardship to his family. The applicant is not financially capable of dealing in such a huge quantity of contraband and has explained his modest financial status, including the fact that he had obtained a housing loan and was facing financial constraints. He lastly submits that the applicant is entitled to the benefit of bail in view of the settled principles governing personal liberty and the facts of the present case. The prosecution has failed to establish any material showing conscious possession or active participation of the applicant in the alleged offence. The applicant has already undergone substantial incarceration, the trial is progressing slowly, and there are reasonable grounds to believe that he is not likely to commit any offence while on bail. Therefore, considering the facts and circumstances of the case, the applicant deserves to be enlarged on bail. The applicant is in jail since 23.06.2025 and the conclusion of the trial may take quite long time. Accordingly, he prays for enlarging the applicant on regular bail.

5. Per contra, learned counsel appearing for the NCB/respondent opposes the bail application and submits that the recovery of 208.580 Kg of Ganja from truck bearing registration No. MH-12-XM-5845, which was being driven by the applicant, prima facie establishes his involvement in the commission of the offence. The applicant, in his voluntary statement, admitted that he had knowledge regarding the concealment and transportation of the

contraband substance. He further submits that the applicant's plea that he was merely a driver and unaware of the contraband is incorrect. The applicant admitted that he had gone to Odisha for loading of the Ganja on the instructions of Gautam Beldar and was to transport the same to Jalgaon for a consideration of Rs.1,00,000/-. The transfer of Rs.10,000/- through UPI by Gautam Beldar to the applicant is supported by bank records and corroborates his involvement in the illegal transportation of the seized contraband. He also submits that non-mentioning of the applicant's name in the statement of co-accused Hemant Rayta does not absolve him of criminal liability. The prosecution case is based upon the seizure of commercial quantity of Ganja, the applicant's own statement, CDR analysis, financial transactions, seizure proceedings, and other incriminating material collected during investigation, which collectively establish a strong *prima facie* case against the applicant.

6. Learned counsel for the respondent/NCB later submits that the investigation has revealed a well-organized conspiracy involving the supplier, transporter and receiver of the seized Ganja. The applicant was an active participant in the transportation of the contraband and his role cannot be viewed in isolation. The material collected during investigation clearly demonstrates his conscious possession and active involvement in trafficking of commercial quantity of narcotic substance, attracting the rigours of Section 37 of the NDPS Act. He also submits that the seized

quantity of 208.580 Kg of Ganja is far above the notified commercial quantity of 20 Kg. The FSL report confirms the seized substance to be Ganja and the recovery was effected in accordance with law. One prosecution witness has already been examined and the trial is progressing. Mere delay in conclusion of trial is not a ground for grant of bail in cases involving commercial quantity of contraband. He lastly submits that considering the gravity of the offence, the commercial quantity involved, the applicant's admitted role in transportation of the contraband and the evidence collected during investigation, there are no reasonable grounds to believe that the applicant is not guilty of the offence. If released on bail, there is every likelihood of the applicant influencing witnesses, tampering with evidence or absconding. Therefore, the bail application deserves to be rejected.

7. I have heard learned counsel appearing for the parties and perused the case diary.
8. From perusal of the record, it *prima facie* appears that a commercial quantity of 208.580 kilograms of Ganja was recovered from the truck bearing Registration No. MH-12-XM-5845 being driven by the present applicant and co-accused Sanjay Arun Gaikwad. The material collected during investigation, including the seizure memo, memorandum statement of the applicant, bank account details, PhonePe transaction reflecting transfer of

Rs.10,000/- as advance consideration, and the Call Detail Records (CDRs), prima facie indicate the applicant's knowledge and involvement in the transportation of the contraband. The applicant's memorandum statement further reveals that he was contacted through Nandu by one Gautam, who had offered him Rs.1,00,000/- for transporting the seized Ganja from Odisha to Jalgaon, which allegation finds support from the financial and electronic evidence collected during investigation. At this stage, there are reasonable grounds to believe that the applicant was not merely a driver but was actively associated with the transportation of the contraband substance. The quantity of contraband recovered is much above the notified commercial quantity and, therefore, the rigours of Section 37 of the NDPS Act are attracted. This Court is not satisfied that there are reasonable grounds for believing that the applicant is not guilty of the offences alleged against him. Further, considering the nature and gravity of the accusation, the severity of punishment prescribed, the stage of trial, and the material available on record, there also exists a possibility of the applicant influencing witnesses, tampering with prosecution evidence, or evading the process of law if released on bail. The pleas raised by the applicant regarding false implication, lack of knowledge, and absence of conscious possession involve disputed questions of fact which can only be adjudicated upon during trial and cannot be conclusively examined at the stage of consideration of bail.

9. Therefore, having regard to the overall facts and circumstances of the case, the nature of allegations, the prima facie evidence available on record, and the statutory embargo contained under Section 37 of the NDPS Act, this Court is not inclined to enlarge the applicant on bail.
10. Accordingly, the bail application of the applicant - **Deepak**, involved in Crime No. 04/2025 registered at Police Station Narcotics Control Bureau, District Raipur (C.G.), for the offence punishable under Sections 8, 20, 25 and 29 of the NDPS Act, is **rejected**.
11. Needless to say that the trial Court concerned is at liberty to proceed and conclude the trial expeditiously.
12. Office is directed to send a certified copy of this order to the trial Court concerned for necessary information and compliance.

Sd/-
(Ramesh Sinha)
Chief Justice

Akhil