



2026:CGHC:25475

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****MCRC No. 3571 of 2026**

Kaleem Ansari @ Javed S/o Umar Ali Ansari Aged About 31 Years R/o
Krantiprakashpur, Ps Ambikapur, District Sarguja, C.G.

... Applicant**versus**

The State of Chhattisgarh Through Sho To Divisional Flying Squad,
Excise Circle Ambikapur, District Sarguja (C.G.)

... Non-Applicant

For Applicant : Mr. Praveen Soni, Advocate.

For Non-Applicant/State : Ms. Palak Dwivedi, Panel Lawyer.

Hon'ble Mr. Ramesh Sinha, Chief Justice**Order on Board****22.06.2026**

1. Heard on I.A. No. 01/2026, an application for grant of ad-interim bail.
2. Learned counsel for the applicant submits that the applicant's 55-year-old mother is bedridden and suffering from paralysis, requiring constant medical attention, physical assistance and specialized care, which, according to him, can only be provided by the applicant being her son. It is further submitted that in his absence, there is no other male member or capable caregiver in the family to look after her day-to-day needs and medical treatment. It is also submitted that she has been referred to a higher medical centre for better treatment and

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management. A copy of the recent medical treatment document pertaining to the applicant's mother has been filed and is taken on record as Annexure-A/5. Learned counsel further submits that vide order dated 20.04.2026, this Court had directed the learned State counsel to verify the ailments of the applicant's mother. He submits that the applicant has been implicated only on the basis of suspicion and has been in judicial custody since 07.08.2025. Therefore, it is prayed that the applicant be granted ad-interim bail for a limited period to enable him to take care of his ailing mother.

3. On the other hand, learned State counsel opposes the prayer and submits that in compliance with the order dated 20.04.2026 passed by this Court, verification was conducted by the concerned police authorities. During such verification, it was informed by the applicant's wife that the applicant's mother is residing in the State of Jharkhand, whereas the applicant ordinarily resides separately with his wife. It is further submitted that no material has been collected during verification to establish that the applicant's mother is wholly dependent upon him or that there is no other person available to take care of her. However, it has been verified that she is undergoing treatment at a Community Health Centre. It is, therefore, contended that no exceptional circumstance exists warranting grant of ad-interim bail.
4. Considering the submissions advanced by learned counsel for the parties and upon perusal of the material available on record, this Court finds that though certain medical documents relating to the applicant's mother have been placed on record, no specific material has been produced to demonstrate any immediate or emergent

circumstance necessitating the applicant's release on ad-interim bail. Having regard to the nature and seriousness of the allegations against the applicant and the facts and circumstances of the case, this Court is not inclined to exercise its discretion in favour of the applicant at this stage.

5. Accordingly, I.A. No. 01/2026 stands **rejected** and the matter is heard finally.
6. This is the **second bail application** filed under Section 483 of the BNSS for grant of regular bail to the applicant who has been arrested in connection with Crime No. 0090/2025 registered at Police Station - Divisional Flying Squad, Excise Circle Ambikapur, District Surguja, (C.G.), for the offence punishable under Section 22(C) of Narcotic Drugs and Psychotropic Substances Act, 1985.
7. The earlier bail application of the applicant being MCRC No. 780 of 2026 was rejected by this Court vide order dated 11.02.2026 on merits.
8. The case of the prosecution, in brief, is that on 07.08.2025, the Divisional Flying Squad, Excise Circle Ambikapur, District Surguja (C.G.), allegedly conducted a search and seizure operation near Panchayat Bhawan, Shrigarh Maidan. During the said operation, the present applicant was allegedly found in possession of a jute bag containing 4,416 capsules of Spasmo Proxyvon Plus. On the basis of the said recovery, Crime No. 90/2025 was registered against the applicant for the offence punishable under Section 22(C) of the NDPS Act. The applicant was thereafter arrested on

the same day, i.e., 07.08.2025, in connection with the aforesaid offence and was subsequently remanded to judicial custody.

9. Learned counsel for the applicant submits that this is the second bail application filed on behalf of the applicant, the earlier bail application having been dismissed on merits by this Hon'ble Court. It is contended that subsequent to the rejection of the first bail application, material developments have taken place during the course of trial which entitle the applicant to seek reconsideration of his prayer for bail. He submits that the applicant has been falsely implicated in the present case and that no contraband was recovered from his conscious and exclusive possession. It is further contended that the prosecution has erroneously treated the gross weight of the seized *Spasmo Proxyvon Plus* capsules as the weight of the contraband without ascertaining the actual quantity of Tramadol contained therein. He submits that the charge-sheet does not disclose the specific strength of Tramadol in each capsule and the FSL report is merely qualitative in nature, as it only confirms the presence of Tramadol without determining its exact quantity. It is argued that, in the absence of any scientific determination of the actual narcotic content, the prosecution has failed to establish that the alleged recovery falls within the category of commercial quantity so as to attract the rigours of Section 37 of the NDPS Act. It is further submitted that the prosecution case has been materially weakened during trial as the independent seizure witness has not supported the prosecution case and has turned hostile. He also points out certain discrepancies in the chain of

custody of the seized articles, including omissions in the Malkhana records and the non-sending of the departmental seal to the FSL for comparison. It is further submitted that the applicant's mother is suffering from paralysis and requires constant care and medical attention, and the applicant is the sole breadwinner of the family. It is further submitted that the charge-sheet has already been filed, he has no any previous criminal antecedents, is in jail since 07.08.2025 and there is no likelihood of tampering with the evidence, therefore the applicant deserves to be enlarged on second bail.

- 10.** On the other hand, learned State counsel opposes the bail application of the present applicant and submits that this is the second bail application filed by the applicant, the earlier bail application having already been dismissed on merits by this Court. It is contended that there is no substantial change in circumstances warranting reconsideration of the applicant's prayer for bail. She further submits that the contraband recovered from the possession of the applicant falls within the category of commercial quantity and, therefore, the stringent provisions of Section 37 of the NDPS Act are attracted. It is argued that the FSL report confirms the presence of Tramadol, a psychotropic substance, and the prosecution has collected sufficient material to establish the involvement of the applicant in the alleged offence. The mere fact that one of the witnesses has turned hostile or that certain discrepancies are sought to be pointed out during trial cannot be a ground for grant of bail at this stage, as the evidence is

yet to be finally appreciated by the Trial Court. Considering the gravity of the offence, the quantity of contraband involved, and the absence of any fresh ground after rejection of the earlier bail application on merits, learned State Counsel submits that the applicant has failed to satisfy the twin conditions prescribed under Section 37 of the NDPS Act and, therefore, the present second bail application deserves to be rejected.

11. I have heard learned counsel appearing for the parties and perused the case diary.
12. Considering the facts and circumstances of the case, the nature of allegations, the material available on record, and the submissions advanced by learned counsel for the parties, this Court finds that the present applicant is facing prosecution for the offence punishable under Section 22(C) of the NDPS Act involving commercial quantity of a psychotropic substance. It is also not in dispute that the applicant's first bail application was dismissed on merits by this Court. On a careful consideration of the grounds urged in the present application, this Court does not find any substantial change in circumstances or any fresh ground which would justify reconsideration of the prayer for bail. The contentions relating to the weight of the contraband, the nature of the FSL report, the testimony of prosecution witnesses and the alleged discrepancies in the chain of custody are all matters which pertain to appreciation of evidence and are required to be examined by the Trial Court during the course of trial. At this stage, this Court is not inclined to take a different view in the present second bail

application.

13. Accordingly, the second bail application of the applicant – **Kaleem Ansari @ Javed**, involved in Crime No. 0090/2025 registered at Police Station - Divisional Flying Squad, Excise Circle Ambikapur, District Sarguja, (C.G.), for the offence punishable under Section 22(C) of Narcotic Drugs and Psychotropic Substances Act, 1985, is **rejected**.
14. Needless to say that the trial Court concerned is at liberty to proceed and conclude the trial expeditiously.
15. 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

Rahul Dewangan