



CGHC010153252026



2026:CGHC:33249

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Date: 2026.08.03
10:43:22 +0530**HIGH COURT OF CHHATTISGARH AT BILASPUR****MCRC No. 3846 of 2026**

Sukharam Vishnoi S/o Late Bhagat Ram Vishnoi Aged About 60 Years R/o Ward No. 45, Near Kamla College, Saidarshan Nagar, P S Basantpur, District Rajnandgaon Chhattisgarh Permanent Address Village Pilwa, P S Lohawat, District Kaloudi, Rajasthan

---Applicant**versus**

State Of Chhattisgarh Through Police Station Pulgaon, District Durg Chhattisgarh

---Non-applicant**MCRC No. 4560 of 2026**

Madrupa Ram Vishnoi S/o Jai Ram Aged About 49 Years R/o Vishnu Nagar, Godro Ki Dhani, Tehsil - Osiya, Khabda Khurd, Jodhpur Rajasthan Presently R/o Rajasthani Dhaba, Village Palak, P.S. Bodla, District Kabirdham Chhattisgarh

---Applicant**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station - Pulgaon, District Durg Chhattisgarh

... Non-applicant

For respective Applicants	: Mr. G.S. Ahluwalia and Mr. Chandresh Shrivastava, Advocate.
For Non-applicant/State	: Mr. S.S. Baghel, G.A.

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

31.07.2026

1. Since both the bail applications arise out of the same crime number, they are being decided by this common order.
2. Despite granting twice an opportunity to the learned State counsel to place on record the criminal antecedents of the applicant, the same have not been placed on record.
3. The applicants have preferred this First Bail Application under Section 483 of the Bhartiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail, as they have been arrested in connection with Crime No. 247/2026, registered at Police Station : Pulgaon, District Durg (C.G.) for the offence punishable under Sections 8, 18, 29, & 27A of the Narcotic Drugs and Psychotropic Substances Act, 1985.
4. The prosecution case, in brief, is that on 06.03.2026, Police Station Pulgaon received secret information regarding illegal cultivation of opium in a field situated near Gram Jhenjhari, allegedly belonging to Vinayak Tamrakar. On 07.03.2026, the police team along with panch witnesses reached the spot and found accused Vikash Vishnoi cultivating opium illegally. Upon inspection and after following the prescribed procedure under the NDPS Act, opium plants weighing approximately 62,424.4 kg were seized. During investigation, on the basis of the memorandum statement of accused Vikash Vishnoi, co-accused Vinayak Tamrakar, Manish Thakur, Shravan Vishnoi and Achala Ram were arrested. It is further alleged that Vikash Vishnoi's father-in-law, Chhotturam Vishnoi of Jawad, District Neemuch, Madhya Pradesh, had supplied the opium seeds.
5. **In MCRC No. 3846 of 2026** - Learned counsel for the applicant

submits that the applicant is innocent and has been falsely implicated in the present case and that the allegations do not disclose the essential ingredients of Sections 8, 18, 29 and 27(A) of the NDPS Act. It is submitted that no opium was seized from the person or possession of the applicant and that the alleged recovery from him is only 670 grams of dry opium fruit capsules/pods (doda) and cash of Rs.18,540/-, the latter being his legitimate income from his dhaba. Learned counsel further submits that there is no material to establish that the agricultural land from which the alleged opium plants were recovered belonged to or was in the exclusive possession of the applicant, nor is there any material connecting him with the alleged cultivation. It is further submitted that the alleged commercial quantity of 62,424.4 kg relates to the opium plants recovered from the field of co-accused Vinayak Tamrakar and cannot be attributed to the present applicant, particularly when the alleged recovery from him is only 670 grams and the same cannot, in its entirety, be treated as opium. Learned counsel submits that the rigours of Section 37 of the NDPS Act are not attracted to the applicant, who is about 60 years of age, has been in custody since 23.03.2026, is suffering from diabetes, and has no criminal antecedents. It is further submitted that the charge-sheet has been filed/ investigation is complete, the trial is likely to take considerable time, and continued detention would amount to pre-trial punishment. The applicant is a permanent resident, there is no likelihood of his absconding or tampering with the prosecution evidence, and he is ready to furnish adequate surety and abide by all conditions imposed by this Hon'ble Court. On these grounds, learned counsel prays that the applicant may kindly be released on bail.

6. **In MCRC No. 4560 of 2026** - Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the present case, and that even a bare perusal of the FIR does not disclose commission of any offence by him. It is submitted that the applicant has been implicated solely on the basis of the memorandum statement of a co-accused, merely because he is a distant relative of the main accused, and there is no independent material or evidence against him. Learned counsel further submits that the applicant is running a small dhaba on the highway for his livelihood and, as per the memorandum of the co-accused, the only allegation against him is that the co-accused used to sell doda/bukki to him, which is unsupported by any other material. It is further submitted that the amount seized from the dhaba was the applicant's hard-earned income from his lawful business and has been wrongly shown as proceeds of crime. Learned counsel submits that the applicant has cooperated with the investigation, has been in custody since 16.03.2026, and the trial is likely to take considerable time. The applicant has come from Rajasthan for his livelihood, is maintaining his family through his dhaba business, and there is no likelihood of his absconding or tampering with the prosecution witnesses. He is ready to furnish adequate surety and abide by all conditions imposed by this Hon'ble Court. On these grounds, learned counsel prays that the applicant may kindly be released on bail.
7. Learned State counsel opposes the bail application and submits that the allegations against the applicant are serious in nature. It is submitted that a large quantity of opium plants weighing approximately 62,424.4 kg was found illegally cultivated in the field in question and

seized after following the prescribed procedure under the NDPS Act. Learned State counsel further submits that the applicant has been implicated during investigation on the basis of the memorandum statement of co-accused and that the material collected during investigation *prima facie* connects the applicant with the illegal cultivation and supply of opium seeds. Considering the nature and gravity of the offence, the huge quantity of contraband involved, and the rigours of the NDPS Act, particularly Section 37, learned State counsel submits that the applicant does not deserve the benefit of bail and prays for rejection of the bail application.

8. I have heard learned counsel for the parties and perused the case diary.
9. Considering the facts and circumstances of the case, the nature of the allegations and the material available in the case diary, this Court finds that the alleged contraband recovered from the present applicants is less than the commercial quantity prescribed under the NDPS Act. The alleged recovery was made from the field where the main accused Vikash Vishnoi was found cultivating the opium plants, and the said accused has already been arrested. The present applicants have been implicated during the course of investigation, primarily on the basis of the memorandum statement of the co-accused, and no substantial material has been brought on record to establish their direct involvement in the alleged illegal cultivation. The applicants have no criminal antecedents. Applicant No.1 is in custody since 23.03.2026 and Applicant No.2 is in custody since 16.03.2026. The investigation has substantially progressed and the conclusion of the trial is likely to

take some time. Having regard to the quantity allegedly recovered from the present applicants, which is less than commercial quantity, the arrest of the main accused Vikash Vishnoi, and the other facts and circumstances of the case, without expressing any opinion on the merits of the case, this Court is of the considered view that the applicants are entitled to be released on bail. Accordingly, the bail application is allowed.

- 10.** Let the Applicants – **Sukharam Vishnoi & Madrupa Ram Vishnoi** involved in Crime No. 247/2026, registered at Police Station : Pulgaon, District Durg (C.G.) for the offence punishable under Sections 8, 18, 29, & 27A of the Narcotic Drugs and Psychotropic Substances Act, 1985, be released on bail on furnishing **personal bond** with **two local sureties each** in the like sum to the satisfaction of the Court concerned with the following conditions:-

- (i) The applicants shall file an undertaking to the effect that they 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 applicants shall remain present before the trial court on each date fixed, either personally or through their counsel. In case of their absence, without sufficient cause, the trial court may proceed against them under Section 269 of Bharatiya Nyaya Sanhita.
- (iii) In case, the applicants misuse the liberty of bail during trial and in order to secure their presence, proclamation under Section 84 of BNSS. is issued and the applicants fail to appear before the court on the date fixed in such proclamation, then, the trial court shall initiate proceedings against them, in accordance with law, under Section 209 of the Bharatiya Nyaya Sanhita.
- (iv) The applicants 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 applicants are 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 them in accordance with law.

- 11.** Office is directed to provide a certified copy of this order to the trial Court concerned for necessary information and compliance forthwith.

Sd/-

(Ramesh Sinha)
Chief Justice

Vaibhav