



CGHC010171962026



2026:CGHC:28022

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**MCRC No. 4337 of 2026**

Sanjeev Kumar Gupta S/o Late Ramnaresh Prasad Gupta Aged About 50
Years R/o Village Ramna, Police Station Ramna District- Garhwa
(Jharkhand) **... Applicant**

versus

State Of Chhattisgarh Through The Police Station Basantpur, District-
Balrampur-Ramanujganj Chhattisgarh **...Non-applicant**

For Applicant : Mr. Akath Kumar Yadav with Ms. Kusum
Lalchandani, Advocate.

For Non-Applicant/State : Ms. Ritika Verma, Panel Lawyer.

Hon'ble Shri Ramesh Sinha, Chief Justice**Order on Board****07.07.2026**

1. The applicant has preferred this Second Bail Application under Section 483 of B.N.S.S. for grant of regular bail, as he has been arrested in connection with Crime No. 193/2025, registered at Police Station : Basantpur, District- Balrampur-Ramanujganj (C.G) for the offence punishable under Sections 21(C) & 29 of the NDPS Act.
2. The earlier bail application of the applicant has been rejected on

merits by this Hon'ble Court vide order dated 22.01.2026 passed in MCRC No. 383 of 2026.

3. Case of the prosecution, in brief, is that on 16.10.2025, the Assistant Sub-Inspector of Police Outpost Wadrafnagar received a secret information that three individuals were transporting Codext-R cough syrup, a psychotropic substance, in a white Innova Crysta bearing registration No. UP 70 ED 7182. The said information was duly recorded in the daily diary, pursuant to which the police party, along with independent witnesses, proceeded to Wadrafnagar Main Road and intercepted the said vehicle. Upon obtaining consent of the occupants, the vehicle was searched on the spot, and during the course of search, 5 cartons containing a total of 495 vials (100 ml each) of Codext-R cough syrup were allegedly recovered, out of which 195 vials were recovered from the possession of Nageshwar Yadav, 200vials from Atul Yadav, and 100 vials from Sugreev@ Pintu Yadav. Thereafter, the applicants were arrested and an FIR was registered on 16.10.2025 for the offences punishable under Sections 21(c) and 29 of the NDPS Act against the co accused persons, that the F.I.R. has been not registered against the present applicant and no any article has been seized from thee present applicant only basis of the memorandum of co accused applicant has been implicated as accused, that the police has investigated the matter and challan has been filed.
4. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the present case due to previous enmity. It is contended that the applicant was not named in

the FIR and no contraband was recovered from his possession. The applicant has been implicated solely on the basis of the memorandum statement of the co-accused. Learned counsel further submits that this is the second bail application and that, after rejection of the earlier bail application, there has been a change in circumstances inasmuch as similarly placed co-accused, namely Atul Yadav and Surjit @ Pintu Yadav, have been granted bail by this Court vide order dated 22.04.2026 in MCRC No. 2311/2026, and another co-accused, Rajkumar Yadav @ Raju, has also been granted bail by this Court vide order dated 30.01.2026 in MCRC No. 9889/2025. It is further submitted that out of 18 prosecution witnesses, only three have been examined so far and they have not supported the prosecution case. The charge-sheet has already been filed, the applicant has no criminal antecedents, and he has been in judicial custody since 18.10.2025. Learned counsel also submits that the applicant is the proprietor of a registered medical store, the bank transaction relied upon by the prosecution was a genuine financial transaction between acquaintances and the amount was subsequently returned, the applicant is the sole earning member of his family, and his son is suffering from Hydrocephalus and requires regular medical treatment. It is further submitted that the applicant is a permanent resident of the address mentioned in the cause title, there is no likelihood of his absconding or tampering with the prosecution evidence, and the trial is likely to take considerable time. Hence, it is prayed that the applicant be enlarged on bail.

5. On the other hand learned State counsel opposes the bail application of the applicant and submits that the charge-sheet has been filed in

the present case.

6. I have heard learned counsel for the parties and perused the case diary.
7. Taking into consideration the facts and circumstances of the case, the nature of the allegations levelled against the applicant, the fact that the applicant's first bail application was rejected on merits, and further considering that the charge-sheet has already been filed, only 3 out of 18 prosecution witnesses have been examined so far, and similarly situated co-accused, namely Atul Yadav and Surjit @ Pintu Yadav, have been granted second bail by this Court vide order dated 22.04.2026 passed in MCRC No. 2311/2026, while another co-accused, Rajkumar Yadav @ Raju, has also been granted bail by this Court vide order dated 30.01.2026 passed in MCRC No. 9889/2025, the applicant's case stands on a similar footing. The applicant has remained in judicial custody since 18.10.2025 and the conclusion of the trial is likely to take considerable time. In these circumstances, this Court is of the considered opinion that the applicant is entitled to be released on bail.
8. Let the Second Bail of the Applicant – **Sanjeev Kumar Gupta**, involved in Crime No. 193/2025, registered at Police Station : Basantpur, District- Balrampur-Ramanujganj (C.G) for the offence punishable under Sections 21(C) & 29 of the NDPS Act, be released on bail on furnishing **personal bond** with **two local sureties** in the like sum 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 Bharatiya Nyaya Sanhita.

(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 Bharatiya Nyaya Sanhita.

(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.

9. 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