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HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 4210 of 2026

Dilawar Ali S/o Darbar Ali, Aged About 40 Years R/o Village Jhalmala P.S.
Seepat District- Bilaspur (C.G.) **...Applicant**

versus

State Of Chhattisgarh Through Station House Officer, Police Station Bortalab
District- Rajnandgaon (Chhattisgarh) Narcotics Control Bureau Through
Authorized Officer N.C.B. Zonal Office Raipur (C.G.) **...Non-applicant**

For Applicant	: Mr. Roshishek Verma, Advocate.
For Non-applicant/State	: Mr. Ramakant Mishra, learned Deputy Solicitor General.

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

09.07.2026

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. 02/2025
registered at Police Station – Bortalab District- Rajnandgaon(C.G.), for
the offence punishable under Section 20(b)(ii)C, 25 & 29 of the
Narcotic Drugs and Psychotropic Substances Act, 1985.

- 2.** The prosecution story in brief, is that, on 30.03.2025, Inspector Vinay Kumar Pammar, in-charge Cyber Cell, Rajnandgaon, received a secret information that three individuals were illegally transporting commercial quantity of contraband (Ganja) from Odisha towards Maharashtra/Madhya Pradesh, therefore a police team proceeded to Bire Pulia, Chand-Suraj Main Road, Village Bortalab, to establish a checkpoint. During vehicle checking, a white Bolero Pickup bearing registration No. CG 10 BQ 0634 was intercepted and upon interception, three occupants of the aforesaid vehicle attempted to flee; however, two accused, namely Dilawar Ali and Santosh Pal, were arrested, while one co-accused, Ameer, escaped. That, upon search of the vehicle, 8 plastic sacks containing 234 packets of Ganja were recovered, weighing a total of 243.54 kilograms. The prosecution has further alleged that the accused persons were part of a conspiracy to transport and distribute contraband Ganja, thereby registering FIR no. 02/2025 for alleged offences under section(s) 29, 20(b) (ii) (C) & 25 of NDPS Act.
- 3.** Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the present case without there being any material connecting him with the alleged offence. It is contended that there are material contradictions in the statements of the prosecution witnesses recorded under Section 161 of the Cr.P.C., and that the investigating agency failed to comply with the mandatory provisions of the Narcotic Drugs and Psychotropic Substances Act, 1985, as well as the guidelines issued by the Narcotics Control Bureau regarding sampling, sealing, storage and preservation of the seized contraband, resulting in a break in the chain of custody, which goes to

the root of the prosecution case. It is further submitted that the applicant is merely the registered owner of the vehicle and is engaged in the transport business by hiring out his vehicles. The driver of the vehicle, in his statement recorded under Section 67 of the NDPS Act, has categorically stated that the seized contraband belonged to the co-accused Santosh Pal and not to the present applicant. Learned counsel further submits that the applicant has been in judicial custody for more than one year, the charge-sheet has already been filed, the trial has commenced, only a few witnesses have been examined, and the conclusion of the trial is likely to take considerable time. It is also submitted that the applicant has been falsely implicated solely on account of his previous criminal antecedents, though the ingredients of the alleged offence are not made out against him. The applicant is the sole breadwinner of his family, and his continued incarceration is causing severe hardship to his wife and children. 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 he is ready and willing to abide by all the terms and conditions that may be imposed by this Hon'ble Court. Accordingly, it is prayed that the applicant be enlarged on regular bail.

4. Learned State Counsel opposed the bail application and submitted that the applicant is involved in a serious offence under the provisions of the NDPS Act involving recovery of a commercial quantity of contraband Ganja. It is submitted that acting upon credible secret information, the police intercepted the vehicle in question and recovered 243.54 kilograms of Ganja concealed in 8 plastic sacks containing 234 packets. The contraband was being transported in the vehicle pursuant

to a well-planned criminal conspiracy. The investigation has revealed the involvement of the present applicant along with the other co-accused in the illegal transportation and trafficking of the contraband. It is further submitted that the offences alleged against the applicant are punishable under Sections 20(b)(ii)(C), 25 and 29 of the NDPS Act, which attract the stringent embargo contained under Section 37 of the NDPS Act. Learned State Counsel further submits that the applicant is a habitual offender and has six criminal antecedents, which clearly indicate his criminal propensity and disentitle him from claiming the discretionary relief of bail. It is contended that in view of the recovery of commercial quantity of contraband, the applicant's criminal antecedents, and the statutory restrictions under Section 37 of the NDPS Act, there are no reasonable grounds for believing that the applicant is not guilty of the alleged offences or that he is not likely to commit any offence while on bail. Therefore, considering the gravity and seriousness of the offence, the quantity of contraband seized, the applicant's criminal antecedents, and the rigours of Section 37 of the NDPS Act, the applicant is not entitled to the discretionary relief of bail.

5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Having heard learned counsel for the parties and upon perusal of the case diary, this Court is of the considered opinion that a commercial quantity, i.e., 243.54 kilograms of Ganja, has been recovered from the intercepted vehicle. The allegations *prima facie* disclose the involvement of the applicant in the transportation of the contraband in furtherance of a criminal conspiracy. The offences alleged against the

applicant are punishable under Sections 20(b)(ii)(C), 25 and 29 of the NDPS Act and are governed by the stringent rigours of Section 37 of the NDPS Act. At this stage, this Court does not find any reasonable ground to believe that the applicant is not guilty of the alleged offences or that he is not likely to commit any offence while on bail. It is also noticed that the applicant has one criminal antecedent involving an offence under the NDPS Act, which is still pending consideration before the competent Court, and the same also weighs against the grant of bail. Considering the nature and gravity of the allegations, the recovery of commercial quantity of contraband, the applicant's criminal antecedent, and the statutory embargo contained under Section 37 of the NDPS Act, this Court is not inclined to extend the benefit of bail to the applicant. Accordingly, the bail application deserves to be and is hereby rejected.

7. Accordingly, the bail application of the applicant – **Dilawar Ali**, involved in Crime No. 02/2025 registered at Police Station – Bortalab District- Rajnandgaon (C.G.), for the offence punishable under Section 20(b)(ii)C, 25 & 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, is **rejected**.

Sd/-
(Ramesh Sinha)
Chief Justice