



CGHC010181222026

2026:CGHC:29465

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 4404 of 2026

Mukesh Sardar S/o Shri Keshav Sardar Aged About 29 Years R/o Village - P.V. -14 Shyam Nagar Thana And Tahsil- Pakhanjur. Distt- North Bastar Kanker (C.G.)

... Applicant

versus

State of Chhattisgarh Through - Station House Officer Police Station Pakhanjur Distt- North Bastar Kanker (C.G.)

... Non-applicant

For Applicant	: Mr. Sunil Sahu, Advocate.
For Non-applicant/State	: Mr. S.S. Baghel, Govt. Advocate.

Hon'ble Mr. Ramesh Sinha, Chief Justice

Order on Board

13.07.2026

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. 37/2026 registered at Police Station - Pakhanjur, District – North Bastar Kanker (C.G.) for the offence under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985.
2. The prosecution story, in brief, is that on 19.02.2026 at about 8:30 a.m., the Sub-Inspector received secret information to the effect that the present applicant, namely Mukesh Sardar, was carrying cough syrup on

Digitally
signed by
ABHISHEK
SHRIVAS
Date:
2026.07.14
17:02:02
+0530

ABHISHEK
SHRIVAS

his motorcycle bearing registration No. CG-19-BP-4603 near Ward No. 14, Ravindra Palli, Pakhanjur, allegedly for sale to customers. Acting upon the said information, the police recorded the information panchnama and conducted a search. During the search, the police allegedly seized 90 bottles of Planokuf cough syrup, each containing 100 ml, alleged to contain Codeine Phosphate and Triprolidine Hydrochloride. Thereafter, the police served a notice upon the Applicant under Section 67 of the NDPS Act and recorded that the applicant was not carrying any documents or bills relating to the said cough syrup. The applicant was thereafter arrested, and a Dehati Nalishi was recorded. During the course of investigation, the applicant produced the purchase bills, licence to run a medical store, and the purchase order pertaining to the seized cough syrup. The investigating agency also seized the relevant documents from Bhavesh Nahar, Proprietor of Nahar and Company, who had sold the said cough syrup to Sai Medical Stores, Pakhanjur. It is the case of the prosecution that the applicant is the proprietor of Sai Medical Stores. After completion of the investigation, the charge-sheet has been filed.

3. It has been argued by learned counsel for the applicant that the applicant has been falsely implicated in this case. He further submits that the applicant has been falsely implicated by the prosecution agency in the alleged commission of the offence. A perusal of the material available on record clearly shows that no offence under the NDPS Act is made out against the applicant, as he is merely an employee of the licenced medical store, namely Sai Medical Stores, Pakhanjur. The seized cough syrup had been lawfully purchased from Nahar and Company, Dhamtari, which issued a GST tax invoice dated 11.02.2026. He also submits that the licence for running the medical store in the name of Sai Medical Stores was originally issued in favour of Mahesh Paul. Thereafter, the

applicant's brother took the shop, along with the licence, on rent from the said Mahesh Paul, and the applicant has been working as an employee in the said medical store as a delivery boy for receiving and delivering medicines. He submits that on the date of the incident, the applicant was transporting the cough syrup from the godown to the medical store on the instructions of the licence holder. While shifting the said cough syrup, the police of Police Station Pakhanjur intercepted and searched the applicant and thereafter arrested him. Although the applicant specifically informed the police about the existence of the valid licence and purchase bills relating to the seized cough syrup, he was not given sufficient time to produce the said documents. He submits that even if the prosecution case is accepted in its entirety, at the most it discloses an alleged violation of the terms and conditions of the licence, which is punishable under the relevant regulatory provisions and does not attract the provisions of the NDPS Act. The applicant, being merely an employee of the medical store, has been wrongly prosecuted under the NDPS Act, despite the fact that all the relevant documents relating to the purchase of the seized cough syrup had already been seized by the investigating agency from Nahar and Company, the authorised dealer of the said cough syrup. He further submits that no proper measurement or weighing of the alleged seized contraband was carried out by the investigating agency. The quantity has been mentioned merely on assumptions, and the applicant has been arrested on the basis of weak and insufficient evidence. It is further submitted by the learned counsel for the applicant that the applicant has no criminal antecedents. He further submits that the applicant is in jail since 19.02.2026, conclusion of the trial is likely to take quite long time. Therefore, he prays for grant of regular bail to the applicant.

4. On the other hand, learned counsel appearing for the State/non-applicant opposes the bail application and submits that the charge-sheet has already been filed before the competent Court. He further submits that, in compliance with the order dated 12.05.2026 passed by this Court, the Investigating Officer has filed a personal affidavit. The relevant portion of the affidavit states that, during the course of the investigation, it was found that the applicant is the proprietor of Sai Medical Store. The investigation further revealed that the applicant had been procuring PLANOKUF Cough Syrup from Nahar & Sons Company, Dhamtari, from April 2025 to February 2026. It was also found that the applicant had been selling the said cough syrup without the prescription of a registered medical practitioner and without maintaining any record of its purchase or sale, in violation of the applicable statutory provisions. It is further submitted that the applicant failed to produce the purchase bills, which were subsequently collected by the Investigating Officer from Nahar & Sons Company during the course of the investigation. The investigation also disclosed that the applicant had been selling the said cough syrup to children behind his medical shop, in the open ground situated at Ward No. 14, without obtaining any prescription from a registered medical practitioner. Therefore, he submits that, in view of the aforesaid facts and circumstances, the applicant is not entitled to the grant of regular bail.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Considering the facts and circumstances of the case, the rival submissions advanced by learned counsel for the parties, the nature of the allegations, and the material available on record, particularly the fact that the seized cough syrup was admittedly procured from an authorised dealer and the purchase bills have been collected by the Investigating

Officer during the course of the investigation, coupled with the fact that the charge-sheet has already been filed, the applicant has no criminal antecedents, has been in judicial custody since 19.02.2026, and the conclusion of the trial is likely to take considerable time, without expressing any opinion on the merits of the case, this Court is of the view that the applicant is entitled to be released on bail.

7. Let the Applicant - **Mukesh Sardar**, involved in Crime No. 37/2026 registered at Police Station - Pakhanjur, District – North Bastar Kanker (C.G.) for the offence under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985, be released on bail on furnishing **personal bond** with **two 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.

8. 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

Abhishek