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2026:CGHC:30018

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DEWANGAN**HIGH COURT OF CHHATTISGARH AT BILASPUR****MCRC No. 4265 of 2026**

Monu Rai S/o Jagat Ram Rai Aged About 33 Years R/o- V.V. Giri Ward
Pipariya Police Station- Narmadapuram District Narmadapuram
(Hoshangabad) State- M.P. India. Pin No. 461775.

--- **Applicant(s)****versus**

State Of Chhattisgarh Through- Officer In Charge Police Station Sankra,
District Mahasamund, C.G. Pin No-492112.

--- **Non-applicant(s)**

For Applicant	: Mr. Divyansh Shukla, Advocate.
For Non-applicant/State	: Ms. Monika Thakur, Panel Lawyer.

MCRC No. 4846 of 2026

Rakesh Choukse S/o Sri Tulsi Ram Choukse, Aged About 32 Years R/o
Village Panagar, Police Station Gadarwada, Distt. Narsingpur, (M. P.)

--- **Applicant(s)****Versus**

State Of Chhattisgarh Through Officer In Charge, Police Station Sankra,
District Mahasamund, (C.G.)

--- **Non-applicant(s)**

For Applicant	: Mr. Divyansh Shukla, Advocate.
For Non-applicant/State	: Ms. Monika Thakur, Panel Lawyer.

MCRC No. 4428 of 2026

Balkrishna Badh S/o Damodar Badh Aged About 30 Years Resident-
Village Nehnabandh, Police Station- Patnagadh, District- Balangir
(Odisha)

---**Applicant(s)**

Versus

State Of Chhattisgarh Through- Aarkshi Kendra- Sankra, District-
Mahasamund, C.G.

---- **Non-applicant(s)**

For Applicant	: Mr. Rajendra Kumar Patel, Advocate.
For Non-applicant/State	: Ms. Monika Thakur, Panel Lawyer.

Hon'ble Mr. Ramesh Sinha, Chief Justice

Order on Board

15/07/2026

1. Since the above three bail applications are arising out of same crime number, same Police Station and same offences, so they are being heard and decided by this common order.
2. The applicants have preferred this First Bail Application under Section 483 of BNSS for grant of regular bail, as they have been arrested in connection with Crime No.19/2026, registered at Police Station Sankra, District: Mahasamund (C.G.) for the offence punishable under Sections 324(5), 132 and 109 of the BNS and Section 20(b) of the NDPS Act.
3. Case of the prosecution, in brief, is that on 23.01.2026, Assistant Sub-Inspector Pankaj Bagh received a secret information that a white coloured Eeco car bearing registration No. MP-05-ZE-8685 would be transporting contraband Ganja from the State of Odisha

towards Raipur by changing routes through the border villages falling within the jurisdiction of Police Station Sankra. Acting upon the said information, the police party proceeded to the spot and laid a trap near village Saldih. After some time, the suspected Eco car was noticed approaching at a high speed. When the police attempted to intercept the vehicle by placing a road barricade, the driver of the said vehicle suddenly diverted towards the kutcha road leading from village Saldih to Dongripali in an attempt to escape. The police team chased the vehicle in a private Honda City car bearing registration No. CG-04-HD-8925. During the chase, the Eco vehicle turned back towards the kutcha road and when the police vehicle was stationed across the road to stop its movement, the driver of the Eco car intentionally rammed the police vehicle repeatedly with an intention to kill the police personnel travelling therein. As a result of the impact, the police vehicle caught fire, whereupon the police personnel somehow managed to save their lives by jumping out of the vehicle. The Eco car also sustained damage in the incident and the occupants thereof took advantage of the darkness and fled from the spot leaving the vehicle behind. Thereafter, a search of the abandoned Eco car bearing registration No. MP-05-ZE-8685 was conducted, during which one blue-yellow plastic sack containing 22.380 kilograms of Ganja and another white-yellow plastic sack containing 17.300 kilograms of Ganja, totalling 39.680 kilograms of contraband Ganja valued at approximately ₹19,84,000/-, was recovered from the rear luggage compartment of the vehicle. Accordingly, the contraband and the

vehicle were seized and Crime No.19/2026 was registered at Police Station Sankra, District Mahasamund, initially against the unknown driver of the Eco car for the offences punishable under Section 20(b) of the NDPS Act and Sections 324(5), 132 and 109 of the BNS.

During the course of investigation, it was revealed that the seized Eco car was registered in the name of applicant Monu Rai. It is alleged that, in his memorandum statement, applicant Monu Rai disclosed that on 22.01.2026 he, along with applicant Rakesh Choukse, had gone to Odisha in the said Eco car, purchased about 40 kilograms of Ganja from applicant- Balakrishna for a consideration of ₹24,000/-, and while returning, attempted to flee after noticing the police and intentionally rammed the police vehicle before escaping from the spot. Thus, it is alleged that applicant Monu Rai, along with applicant- Rakesh Choukse, transported 39.680 kilograms of commercial quantity of Ganja in his own vehicle registered in the name of Monu Rai and while attempting to evade arrest, intentionally caused damage to the police vehicle by ramming it, resulting in the vehicle catching fire, before absconding from the spot. Therefore, aforesaid offences have been registered against the applicants.

4. Learned counsel for the applicants submits that the applicants are innocent and have been falsely implicated in the present case. They submit that no contraband has been recovered from the conscious possession of any of the applicants and they have been implicated merely on the basis of suspicion and the memorandum

statement. They further submits that the FIR was initially registered against unknown persons as the alleged occupants of the vehicle had escaped from the spot and were neither apprehended nor identified. It is also submitted that the alleged Eco vehicle remained in the exclusive custody of the police for a considerable period before the search and seizure was conducted, thereby creating serious doubt regarding the genuineness of the alleged recovery. Learned counsel further submits that there are material contradictions in the prosecution case with regard to the place from where the contraband was allegedly recovered, apart from non-compliance of the mandatory provisions of the NDPS Act and absence of independent witnesses at the time of seizure. They further submit that applicant Monu Rai has been implicated only because the seized vehicle is registered in his name, whereas applicant Rakesh Choukse has been implicated solely on the basis of the memorandum statement of applicant- Monu Rai and no independent incriminating material has been collected against him. So far as applicant Balakrishna Badh is concerned, it is submitted that no recovery has been effected from his possession and his implication is also based only on the memorandum statement of the applicant Monu Rai and applicant- Rakesh Choukse. They further submits that the charge-sheet has already been filed, no further custodial interrogation of the applicants is required, the applicants have no criminal antecedents, they are in judicial custody since their respective dates of arrest and the trial is likely to take considerable time for its conclusion. Therefore, it is prayed that the

applicants be enlarged on regular bail.

5. On the other hand, learned State counsel opposes the bail applications and submits that there is sufficient material available on record to prima facie establish the involvement of all the present applicants in the alleged offence. She submits that above commercial quantity of 39.680 kilograms of Ganja, valued at approximately ₹19,84,000/-, was recovered from the Eco vehicle bearing registration No. MP-05-ZE-8685, which is admittedly registered in the name of applicant Monu Rai. She further submits that during the course of investigation, applicant Monu Rai, in his memorandum statement, specifically disclosed that he, along with applicant Rakesh Choukse, had gone to the State of Odisha in the aforesaid vehicle, purchased about 40 kilograms of Ganja from applicant Balakrishna Badh for a consideration of ₹24,000/-, and while returning with the contraband, attempted to flee after noticing the police party and intentionally rammed the police vehicle with an intention to escape, resulting in the police vehicle catching fire, whereafter they absconded from the spot. It is further submitted that the investigation reveals that applicant Balakrishna Badh was the supplier of the contraband Ganja, whereas applicants Monu Rai and Rakesh Choukse were actively involved in transporting the commercial quantity of Ganja in the vehicle in question. She further submits that the contraband involved is of above commercial quantity, thereby attracting the rigours of Section 37 of the NDPS Act, and none of the applicants have been able to satisfy the twin conditions prescribed thereunder. Considering the nature and

gravity of the offence, the material collected during investigation and the active role attributed to each of the applicants, learned State counsel prays that all the bail applications deserve to be rejected.

6. I have heard learned counsel appearing for the parties and perused the case diary.
7. Taking into consideration the facts and circumstances of the case, nature and gravity of the allegations levelled against the applicants, the fact that the above commercial quantity of contraband i.e. 39.680 kilograms of Ganja has been recovered from the Eco car bearing registration No. MP-05-ZE-8685, which is admittedly registered in the name of applicant Monu Rai, and the memorandum statement of applicant Monu Rai wherein it has been disclosed that he, along with applicant Rakesh Choukse, had gone to Odisha and purchased the said contraband from applicant Balakrishna for transportation, coupled with the fact that while attempting to evade police interception, the occupants of the vehicle intentionally rammed the police vehicle with an intention to escape, resulting in the police vehicle catching fire and endangering the lives of the police personnel, this Court finds that the allegations disclose prima facie active participation of all the three applicants in the commission of the alleged offences. The investigation has collected material indicating a concerted act of procurement, transportation and illegal trafficking of commercial quantity of Ganja. At this stage, the contentions regarding false implication, non-recovery from the personal possession of the

applicants, delay in search and seizure, alleged procedural irregularities and other disputed factual aspects are matters to be examined during trial and cannot be adjudicated while considering a prayer for bail. Moreover, in view of the recovery of above commercial quantity, this Court is not inclined to enlarge the applicants on bail.

8. Accordingly, the above bail applications of the applicants namely **Monu Rai, Rakesh Choukse** and **Balkrishna Badh**, involved in Crime No.19/2026, registered at Police Station Sankra, District: Mahasamund (C.G.) for the offence punishable under Sections 324(5), 132 and 109 of the BNS and Section 20(b) of the NDPS Act, is **rejected**.
9. Needless to say that the trial concerned is at liberty to proceed and conclude the trial expeditiously.
10. 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

Kunal