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2026:CGHC:28621

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 4825 of 2026

Pawan Nirmalkar S/o Pusau Nirmalkar Aged About 40 Years R/o Near
Uslapur Fhatak, District Bilaspur Chhattisgarh **...Applicant**

versus

State Of Chhattisgarh Through Station House Officer, Police Station
Civil Line, District Bilaspur Chhattisgarh

... Respondent

For Applicant : Shri Dharmendra Baghel, Advocate.

For : Shri Shaleen Singh Baghel, G.A.

Respondent/State

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 Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the applicant who has been arrested in connection with Crime No.164/2026 registered at Police Station Civil Line, District Bilaspur Chhattisgarh for the offence punishable under Section 20 (B), 29 of N.D.P.S.
2. Case of the prosecution, in brief, is that on the basis of information

received, on the incident date 30/01/2026 200 Gram of narcotic substance Ganja was recovered from the possession of accused near Village of Mini Basti Gali Police Station Civil Line Beat No. 03 by Police Station Civil Line Bilaspur. On finding the accused illegally possessing narcotic substance Ganja, the Police Station Civil Line Bilaspur registered a case against him under Sections 20 (B), 29 of N.D.P.S under F.I.R. No.164/2026 and arrested the accused on 30/01/2026.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the present case. It is contended that no contraband has been recovered from the possession of the applicant and the entire prosecution case against him is false and baseless. It is further submitted that there is no material to attract the offences punishable under Sections 20(b) and 29 of the NDPS Act against the applicant. The investigation does not disclose any overt act, independent witness, or cogent evidence connecting the applicant with the alleged offence. He would submit that charge sheet has been filed, the applicant is in jail since 27/02/2026 and conclusion of trial will take some time, therefore, he prays for grant of bail to the applicant.
4. On the other hand, learned State Counsel opposes the bail application and he would submit that charge sheet has been filed before the competent court. He would submit that allegation against the applicant is of selling contraband to the co-accused.

He would submit that the applicant has 4 criminal antecedents under the NDPS Act which are pending.

5. I have heard learned counsel for the parties and perused the case diary.
6. Considering the facts and circumstances of the case, nature of allegation against the applicant, considering the fact that applicant has 4 criminal antecedents under the NDPS Act which are pending, as such he is a habitual offender and also in light of the judgment rendered by the Supreme Court in ***Deepak Yadav v. State of Uttar Pradesh & Another***, reported in **(2022) 8 SCC 559**, wherein the Hon'ble Supreme Court had cancelled the bail granted to the accused therein on the ground that the accused had previous antecedents, therefore this Court is of the opinion that this is not a fit case to enlarge the applicant on regular bail.
7. Accordingly, the bail application of applicant **Pawan Nirmalkar** involved in Crime No.164/2026 registered at Police Station Civil Line, District Bilaspur Chhattisgarh for the offence punishable under Section 20 (B), 29 of N.D.P.S, is **rejected**.
8. Office is directed to send a certified copy of this order to the trial Court concerned for necessary information.

Sd/-

(Ramesh Sinha)
CHIEF JUSTICE