



CGHC010198852026



2026:CGHC:28996

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****MCRC No. 4921 of 2026**KUNAL
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signed by
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Prakash Yadav S/o Kirtan Yadav Aged About 28 Years R/o Ward 10
Baradwar, P.S. Baradwar, District Sakti, Chhattisgarh.

... Applicant(s)**versus**

State Of Chhattisgarh Through The District Magistrate Sakti Police
Station Baradwar, District Sakti, Chhattisgarh.

... Respondent(s)

For Applicant(s) : Mr. Trevenee Shankar Sahu, Advocate

For Respondent(s) : Mr. Smriti Shrivastava, Panel Lawyer

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

10.07.2026

1. The applicant has preferred this First Bail Application under Section 483 of The Bharatiya Nagarik Suraksha Sanhita (BNSS) for grant of regular bail, as they have been arrested in connection with Crime No.82/2025, registered at Police Station- Baradwar, District- Sakti (C.G.) for the offences punishable under Section 21(C) of the Narcotic Drugs and Psychotropic Substances Act,

1985 (for short, the NDPS Act).

2. The prosecution story in brief, is that, on 12.04.2025 at about 09:40 A.M., the police, acting on prior information, intercepted the applicant and the co-accused near Dumarpara Bridge (across the canal), Dumarpara, within the jurisdiction of Police Station Baradwar, District Sakti (C.G.). During the search, the applicant was allegedly found in possession of 55 bottles of Codeine-based ONEREX Cough Syrup, each containing 100 ml, totaling 5.5 litres, without any valid licence or authorization. Further, 21 bottles of Codeine-based ONEREX Cough Syrup and 24 bottles of Codeine-based WINCEREX Cough Syrup, each containing 100 ml, totaling 4.5 litres, were allegedly recovered from the possession of co-accused Yusuf Mohammed. Thus, a total of 100 bottles containing 10 litres of Codeine-based cough syrup, alleged to be a commercial quantity, was seized. It is further alleged that the applicant and the co-accused were jointly transporting and dealing in the said contraband pursuant to a criminal conspiracy. On the basis of the aforesaid allegations, the present crime was registered against the applicant, and hence, this bail application.
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 was recovered from the exclusive and conscious possession of the applicant and the alleged seizure was made from an open place. It is further submitted that

the mandatory provisions of the NDPS Act have not been complied with during investigation, rendering the prosecution case doubtful. It is also submitted that the applicant is in judicial custody since 12.04.2025, and though the charge-sheet has already been filed, the trial is likely to take considerable time to conclude, and therefore, he deserves to be enlarged on bail.

4. On the other hand, the learned counsel for the State opposes the bail application and submits that the quantity contraband articles seized from the applicant is much above commercial quantity hence, his bail application is liable to be dismissed.
5. I have heard learned counsel for the parties and perused the material available on record.
6. Taking into consideration the nature and gravity of the offence, the quantity of contraband article *i.e.* a total of 100 bottles containing 10 litres of Codeine-based cough syrup seized from the main accused Yusuf Mohammed along with whom the present applicant was transporting the contraband article is much above the commercial quantity, as such, though the charge-sheet has been filed, this Court is of the opinion that is not a fit case to enlarge the applicant on bail.
7. Accordingly, the bail application of applicant – **Prakash Yadav** involved in Crime No.82/2025, registered at Police Station- Baradwar, District- Sakti (C.G.) for the offences punishable under Section 21(C) of the Narcotic Drugs and Psychotropic Substances

Act, is **rejected** at this stage.

8. Needless to say that the trial Court concerned is at liberty to proceed and conclude the trial expeditiously.
9. Office is directed to provide a certified copy of this order to the trial Court concerned for necessary information and compliance forthwith.

Sd/-

(Ramesh Sinha)
Chief Justice