



CGHC010251092026



2026:CGHC:30172

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 6333 of 2026

Sailendra Dubey S/o Rajendra Dubey Aged About 47 Years R/o Nai Sadak, Near Gubbara Phatak, Janakhganj Police Station, District Gwalior (M.P.)

... Applicant(s)

versus

State Of Chhattisgarh Through Police Station Incharge, P.S. Chilpi, District Kabirdham (C.G.)

... Respondent(s)

For Applicant(s) : Mr. Himanshu Pandey, Advocate.

For Respondent(s) : Ms. Palak Dwivedi, Panel Lawyer.

Hon'ble Mr. Ramesh Sinha, Chief Justice

Order on Board

16/07/2026

1. This is the third 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. 41/2024 registered at Police Station Chilpi, District Kabirdham (C.G.) for the offence punishable under

Section 20(b)ii(B) of the NDPS Act.

- 2.** Case of the prosecution, in brief, is that on 26.10.2024, acting on a secret information, the police received information that two persons were transporting 28.500 kilograms of ganja from Raipur/Kawardha towards Jabalpur in a white Swift car bearing registration No. MP-07 CK-0182, while another person was travelling ahead in a black-blue Aura car bearing registration No. MP-07 ZP-2654 as a pilot vehicle. Acting on the information, the police laid a blockade to intercept the vehicles. On noticing the police, the driver of the pilot vehicle attempted to flee but was apprehended after a chase. Upon search of the Swift car, the police allegedly recovered 20 packets of ganja weighing 28.500 kilograms, valued at approximately Rs.2,85,000/-. Thereafter, the accused persons were arrested and an offence under the provisions of the NDPS Act was registered against them for allegedly transporting the contraband illegally. Hence, the bail application.
- 3.** Learned counsel for the applicant submits that the first and second bail applications were rejected by this Court on merits vide orders dated 24.06.2025 and 03.12.2025 passed in MCRC Nos.4803 of 2025 and 9777 of 2025, respectively, therefore this third bail application is filed on the ground that one of the co-accused persons, namely, Raghvendra Shrivastava has been granted bail by the Hon'ble Supreme Court as nothing has been

seized from his possession and looking to his long incarceration. He also submits that present applicant is in jail since 26.10.2024 and the conclusion of trial is likely to take some time, therefore, he prays for releasing the applicant on regular bail.

4. On the other hand, learned State counsel opposes the bail application and submits that the applicant was travelling in the white Swift car bearing registration No. MP-07 CK-0182 along with the co-accused and was found in joint possession of 28.500 kilograms of ganja, which is above the commercial quantity prescribed under the NDPS Act, the alleged contraband was kept between the seats of the vehicle, thus, the applicant actively participated in the illegal transportation of the contraband in furtherance of the common intention of the co-accused. Therefore, the applicant is not entitled for grant of bail.
5. I have heard learned counsel for the parties and perused the case diary.
6. From perusal of the records, it transpires that this is the third bail application of the applicant, first and second bail applications of the applicant were rejected by this Court vide orders dated 24.06.2025 and 03.12.2025 passed in MCRC Nos.4803 of 2025 and 9777 of 2025, respectively on the ground that the present applicant was travelling in the Swift car bearing registration No. MP-07 CK-0182, from which 28.500 kilograms of ganja, constituting commercial quantity, was allegedly recovered from

between the seats of the vehicle. Thus, the allegation against the applicant is of conscious and joint possession of the contraband and active participation in its illegal transportation along with the co-accused. Though it has been submitted that the co-accused, Raghvendra Shrivastava has been enlarged on bail by the Hon'ble Supreme Court, the said order does not advance the case of the present applicant, as the said co-accused was enlarged on bail on the ground that no contraband was recovered from his conscious possession, as he was travelling in a different vehicle, an Aura car bearing Registration No. MP-07 ZP-2654, the role attributed to him is merely that of piloting the Swift car from which the alleged contraband was recovered, whereas the present applicant was found travelling in the very vehicle i.e. Swift car from which the alleged commercial quantity of ganja was seized. Therefore, the role attributed to the present applicant stands on a different footing and he cannot claim parity with the said co-accused. So far as the status of trial is concerned, the applicant has not annexed order-sheet of the trial Court showing the status of trial.

7. So far as the ground of incarceration taken by the applicant is concerned, the Hon'ble Supreme Court in the matter of ***Union of India (UOI) Vs. Vigin K. Varghese (Special Leave Petition (Cri.) Nos.7768 of 2025 and 11097 of 2025)*** decided on 13.11.2025 has observed that in NDPS commercial-quantity cases, long incarceration cannot, by itself, be a ground for bail.

8. Considering the fact that the first and second bail applications of the applicant were rejected on merits by this Court, further the fact that trial is in progress and also in the light of observation made by the Hon'ble Supreme Court in ***Vigin K. Varghese*** (supra) that in NDPS commercial-quantity cases, long incarceration cannot, by itself, be a ground for bail, therefore I do not find any good ground to entertain this second bail application.
9. Accordingly, the third bail application of the applicant- **Sailendra Dubey**, involved in Crime No. 41/2024 registered at Police Station Chilpi, District Kabirdham (C.G.) for the offence punishable under Section 20(b)ii(B) of the NDPS Act, is **rejected** at this stage.
10. Needless to say that the trial Court concerned is at liberty to proceed and conclude the trial expeditiously.
11. Office is directed to provide a certified copy of this order to the trial Court concerned for necessary information and compliance.

Sd/-

(Ramesh Sinha)
CHIEF JUSTICE

Akhil