



CGHC010253872026



2026:CGHC:30624

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 6412 of 2026

Sanjay Gadhewal S/o Siyaram Aged About 46 Years R/o Ward No. 9
Chakarbhatha, Police Station Chakarbhatha, District- Bilaspur (C.G.)

... Applicant(s)

versus

State Of Chhattisgarh Through Station House Officer, Police Station
Sirgitti, District- Bilaspur (C.G.)

... Respondent(s)

For Applicant(s) : Mr. Akash Singh, Advocate.

For Respondent(s) : Ms. Ankita Shukla, Panel Lawyer.

Hon'ble Mr. Ramesh Sinha, Chief Justice

Order on Board

20/07/2026

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. 265/2025 registered at Police Station Sirgitti, District- Bilaspur (C.G.), for the offence punishable under

Sections 20(B)(ii)(C) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

2. Case of the prosecution, in brief, is that on 19.05.2025 at about 4:38 P.M., the applicant, Sanjay Gadhewal, along with a co-accused, was apprehended beneath the Tifra Overbridge within the jurisdiction of Police Station Sirgitti, District Bilaspur, while allegedly being in conscious and unlawful possession of 21.830 kilograms of ganja, a commercial quantity, for the purpose of its illegal transportation and sale. During investigation, the contraband was seized in accordance with law, the applicant was arrested and remanded to judicial custody, and upon completion of the investigation, a charge-sheet was filed before the competent Court. Hence, the bail application.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case and he is in jail since 19.05.2025. He would further submits that the mandatory provisions with regard to search and seizure were not complied with in this case and the conclusion of the trial may take quite long time. Accordingly, he prays for enlarging the applicant on regular bail.
4. Learned State counsel would oppose the bail application and submit that the applicant has total five criminal antecedents, out of which, four are under the NDPS Act of the year 2009, 2018, 2022 & 2023, and one case is under the Excise Act of the year 2023,

further the charge-sheet has been filed in the present case before the competent Court. She further submits that bail application of co-accused, namely, Nishu Laxmi Patel has already been rejected by this Court vide order dated 10.07.2026 passed in MCRC No.5202 of 2026 on the ground that the said accused was found in conscious possession of contraband article i.e. Ganja, which is above the commercial quantity. As such, the present applicant is not entitled to be released on bail.

5. I have heard learned counsel appearing for the parties and perused the case diary.
6. The material available on record *prima facie* reveals that 21.830 kilograms of ganja, which is above the commercial quantity prescribed under the NDPS Act, was recovered from the conscious possession of the applicant and co-accused, Nishu Laxmi Patel, whose bail application has already been rejected by this Court vide order dated 10.07.2026 passed in MCRC No.5202 of 2026, further the applicant has total five criminal antecedents, out of which, four cases are under the NDPS Act of the year 2009, 2018, 2022 & 2023, which shows that the applicant is a habitual offender and has misused the liberty of bail granted to him earlier, the charge-sheet has been filed in the present case 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, this Court is of the opinion that is not a fit case to enlarge the applicant on regular bail.

7. Accordingly, the bail application of the applicant - **Sanjay Gadhewal**, involved in Crime No. 265/2025 registered at Police Station Sirgitti, District- Bilaspur (C.G.), for the offence punishable under Sections 20(B)(ii)(C) of the Narcotic Drugs and Psychotropic Substances Act, 1985, is **rejected**.
8. Needless to say that the trial Court concerned is at liberty to proceed and conclude the trial expeditiously.
9. Office is directed to send a certified copy of this order to the trial Court concerned for necessary information and compliance.

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**Sd/-
(Ramesh Sinha)
Chief Justice**

Akhil