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DEWANGAN**HIGH COURT OF CHHATTISGARH AT BILASPUR****MCRC No. 6446 of 2026**

Sonam Kakodiya Daughter Of Anuj Kakodiya, Aged About 27 Years
Resident Of Ward No. 03, Veer Savarkar Khajari, Thana- Poaama/partala
Dehat District-Chhindwara (M.P.)

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

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

... Non-applicant(s)

For Applicant(s) : Ms. Anjali Pradhan, Advocate.

For Non-applicant(s) : Mr. Shailendra Sharma, Panel Lawyer.

Hon'ble Mr. Ramesh Sinha, Chief Justice**Order on Board****18/08/2026**

1. The applicant has preferred this First Bail Application under Section 483 of the Bhartiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail, as she has been arrested in connection with Crime No. 41/2026, registered at Police Station Komakhan, District- Mahasamund (C.G.) for the offence punishable under Section 20(b) (ii)(B) of the NDPS Act.
2. The case of the prosecution, in brief, is that on 04.04.2026, the Police of Police Station Komakhan, District- Mahasamund (C.G.),

acting on secret information, intercepted a Maruti Dzire car bearing registration No. MP-28-ZJ-8011, carrying five persons. After serving notice under Section 50 of the NDPS Act, the vehicle was searched, and 09 kg of Ganja was allegedly recovered from the dickey (boot) of the car. The prosecution alleges that the contraband was in the joint conscious possession of Sonam Kakodiya/applicant and the co-accused persons. Consequently, all the accused were arrested, and Crime No. 41/2026 was registered. Accordingly, the aforesaid offences have been registered.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case and no contraband article was seized from the conscious possession of the applicant. She further submits that that prosecution agency has not followed the provisions under Section 42 of the NDPS Act and not taken search warrant from the superior authority. She also submits that from the joint possession of the applicant along with co-accused, less than intermediate quantity of the psychotropic substance ganja has been seized, and therefore, it will not attract the rigors of Section 37 of the NDPS Act as the commercial quantity of ganja as prescribed under the schedule is more than 20 kgs and from the joint possession of the accused persons 09 kg contraband (Ganja) has been seized. It is further submitted by the learned counsel for the applicant that the applicant has no criminal antecedent and she is in jail since 04.04.2026 and in the present case, charge-sheet has been filed and the conclusion of the trial is likely to take quite long time. Therefore, she prays for grant of regular bail to the applicant.

4. On the other hand, learned State Counsel, appearing for the State/non-applicant would oppose the bail application and submit that the charge-sheet has been filed in the present case before the competent Court and also endorse the said submission that the applicant has no criminal antecedent and from the joint possession of the accused persons, contraband article i.e. 09 kg of Ganja has been seized, which is less than intermediate quantity however, looking to the seriousness of the case, the present applicant is not entitled for grant of bail.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Taking into consideration the facts and circumstances of the case, nature and gravity of the offence levelled against the applicant and further the fact that in the present case charge-sheet has been filed before the competent Court and the applicant has no criminal antecedent and further considering that the quantity of contraband allegedly recovered from the joint possession of the applicant along with co-accused i.e., 09 kg of Ganja, which is less than commercial quantity, this Court is of the view that the applicant is entitled to be released on bail in the present case.
7. Accordingly, the bail application of the applicant is **allowed**.
8. Let the applicant – **Sonam Kakodiya**, involved in Crime No. 41/2026, registered at Police Station Komakhan, District-Mahasamund (C.G.) for the offence punishable under Section 20(b) (ii)(B) of the NDPS Act, be released on bail on her furnishing a

personal bond with two local sureties, in the like sum to the satisfaction of the Court concerned with the following conditions:-

(i) The applicant shall file an undertaking to the effect that she shall not seek any adjournment on the dates fixed for evidence when the witnesses are present in court. In case of default of this condition, it shall be open for the trial court to treat it as abuse of liberty of bail and pass orders in accordance with law.

(ii) The applicant shall remain present before the trial court on each date fixed, either personally or through her counsel. In case of her absence, without sufficient cause, the trial court may proceed against her under Section 269 of Bharatiya Nyaya Sanhita.

(iii) In case, the applicant misuses the liberty of bail during trial and in order to secure her presence, proclamation under Section 84 of BNSS. is issued and the applicant fails to appear before the court on the date fixed in such proclamation, then, the trial court shall initiate proceedings against her, in accordance with law, under Section 209 of the Bharatiya Nyaya Sanhita.

(iv) The applicant shall remain present, in person, before the trial court on the dates fixed for (i) opening of the case, (ii) framing of charge and (iii) recording of statement under Section 351 of BNSS. If in the opinion of the trial court absence of the applicant is

deliberate or without sufficient cause, then it shall be open for the trial court to treat such default as abuse of liberty of bail and proceed against her in accordance with law.

9. Office is directed to send a certified copy of this order to the trial Court for necessary information and compliance.

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

Kunal