



CGHC010321442026



2026:CGHC:38173

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**MCRCA No. 1409 of 2026**

Om Kumar Pathak S/o Lakhi Narayan Pathak Aged About 22 Years R/o Kedarapur, Joda Pipal, Ambikapur, P.S. Ambikapur, District- Surguja, (C.G.)

... Applicant**versus**

State Of Chhattisgarh Through Divisional Excise Flying Squad Division Ambikapur, District- Sarguja, Ambikapur, (C.G.)

... Non-Applicant

For Applicant : Shri Kamlesh Patel, Advocate.

For Non-Applicant : Miss Ritika Verma, PL.

Hon'ble Shri Ramesh Sinha, Chief Justice**Order on Board****25/08/2026**

1. The applicant has preferred this application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS'), for grant of anticipatory bail, apprehending his arrest in connection with Crime No.12/2026, registered at Police Station Divisional Excise Flying Squad Division Ambikapur, District : Sarguja, Ambikapur (C.G.) for alleged commission of offence punishable under Section 22 (C) of NDPS Act.

KRISHNA KUMAR BARVE	Digitally signed by KRISHNA KUMAR BARVE Date: 2026.08.26 15:15:01 +0530
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2. Case of the prosecution is that 38 pieces of Buprenorphine Injection totalling 76 ML has been allegedly seized from possession of the co-accused and subsequently a case under Section 22 (C) of the NDPS Act has been registered against the applicant. Hence, the present anticipatory bail application.
3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the present case. He submits that allegations levelled in the complaint are false, highly exaggerated, inherently improbable, self-contradictory, and devoid of any credible material. The prosecution story, on its face, does not inspire confidence and appears to have been concocted solely to falsely implicate the Applicant. The Applicant has been falsely implicated in the matter because he denied the demands of the investigating agency and he has no relation or prior acquaintance with other co-accused in the matter. No contraband, incriminating article, or other objectionable material was ever recovered or seized from the conscious possession of the Applicant. The alleged seizure shown by the prosecution is false, fabricated, and wholly inconsistent with its own version of events, thereby rendering the prosecution case doubtful and unreliable. According to the prosecution, the alleged contraband under the NDPS Act was recovered from the possession of the Applicant. However, significantly, the Applicant was not arrested at the spot at the time of the alleged recovery. It is a settled and ordinary course of investigation in cases under the NDPS Act that a person found in

conscious possession of contraband is immediately apprehended and taken into custody at the place of recovery. The failure of the investigating agency to arrest the Applicant at the alleged place and time of recovery strikes at the very root of the prosecution case and creates a serious dent in its credibility. This glaring inconsistency renders the prosecution version inherently doubtful and clearly demonstrates that the Applicant has been falsely implicated in the present case. Therefore, he prays for grant of anticipatory bail to the applicant.

4. On the other hand learned State counsel opposes the application for grant of anticipatory bail to the applicant.
5. Recently the Supreme Court in the matter of **Anarul SK v. The State of West Bengal {SLP (Crl.) No(s). 12621/2024}** has observed that the grant of anticipatory bail in cases involving Narcotic Drugs and Psychotropic Substances (NDPS) is a very serious issue.
6. In the light of observation made by the Supreme Court in **Anarul SK** (supra), I do not find any good ground to entertain this anticipatory bail application. Accordingly, the present anticipatory bail application is **dismissed**.

Sd/-
(Ramesh Sinha)
Chief Justice