



CGHC010333372026



2026:CGHC:38859

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No.8152 of 2026

1 - Shiva Netam @ Baban S/o Ashok Netam Aged About 36 Years R/o Mathkodawa, Para, Near Bharti Kirana, Stores, Changorabhata, Police Station D D Nagar District Raipur C. G.

Applicant (s)

versus

1 - State Of Chhattisgarh Through- The Station House Officer, Police Station D D Nagar District Raipur C. G.

Respondent(s)

For Applicant (s) : Mr. Rohit Sharma, Advocate

For Respondent(s) : Mr. Soumya Rai, Dy. GA

Hon'ble Mr. Ramesh Sinha, Chief Justice

Order on Board

02.09.2026

1. This is the second bail application filed under Section 483 of Bhartiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to the applicant, who has been arrested in connection with Crime No.618/2025, registered at Police Station D. D. Nagar, District Raipur (C.G.) for the offence punishable under Section 20 (b) of NDPS Act.

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signed
by R
NIRALA

2. The first bail application of the applicant was dismissed on merits vide order dated 30.04.2026 in MCRC No.3975/2026.
3. The case of the prosecution, in brief, is that on 29.12.2025 on the basis of a secret information by the informant, the Police seized 1.977 kg of ganja from the possession of the applicant, thereafter a case was registered against the accused and he was arrested.
4. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in crime in question. He further submitted that the quantity of contraband is less than the commercial quantity and the applicant has been acquitted in the most of the criminal antecedents against him and in the offence under Section 20 (B) of the NDPS Act, he has already been acquitted. He further submitted that the applicant is in jail since 29.12.2025, charge sheet has been filed and trial is likely to take quite long time for its conclusion, therefore, he prays that the applicant be released on regular bail.
5. On the other hand, learned State counsel opposes the bail application of the applicant and submits that there are 19 criminal antecedents against the applicant as such he is a habitual offender, therefore, he is not entitled to be released on bail.
6. I have heard learned counsel for the parties and perused all the documents available on record.
7. Taking into consideration the facts and circumstances of the case, nature of allegation and further considering that the

quantity of contraband is less than the commercial quantity and the the applicant has been acquitted in most of the criminal antecedents against him and in the offence under Section 20 (B) of the NDPS Act, he has already been acquitted and for the fact that the applicant is in jail since 29.12.2025, charge sheet has already been filed and conclusion of the trial is likely to take some time, therefore, without commenting anything on the merits of the case, I am inclined to allow this application.

8. Accordingly, the instant bail application of the applicant is allowed.
9. Let the Applicant – **Shiva Netam @ Baban**, involved in Crime No.618/2025, registered at Police Station D. D. Nagar, District Raipur (C.G.) for the offence punishable under Section 20 (b) of NDPS Act, be released on bail on his 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 he 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 his counsel. In case of his absence, without sufficient cause, the trial court may proceed against him/her under Section 269 of Bharatiya Nyaya Sanhita.

(iii) In case, the applicant misuse the liberty of bail during trial and in order to secure his/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 his/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 him/her in accordance with law.”

10. 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

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