



CGHC010387752026



2026:CGHC:44927

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****MCRC No. 9369 of 2026**

Kamlesh Patel S/o Subhash Patel Aged About 25 Years R/o Indira Colony,
Police Station Pandri, District Raipur Chhattisgarh. **... Applicant**

versus

State Of Chhattisgarh Through The S H O, Police Station Pandri, Raipur,
Chhattisgarh. **... Non-Applicant**

For Applicant : Mr. Ashish Pandey, Advocate

For Non-Applicant : Ms. Ritika Verma, Panel Lawyer

Hon'ble Shri Justice Rakesh Mohan Pandey**Order on Board****16/10/2026**

1. This is the second bail application filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to the applicant, who has been arrested in connection with Crime No. 171/2026 registered at Police Station Pandri, District Raipur (C.G.) for offence punishable under Section 20(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985.
2. The first bail application of the applicant, bearing M.Cr.C. No. 8950 of 2026, was dismissed for want of prosecution by this Court vide order dated 24.09.2026.
3. As per the prosecution case, on 16.06.2026 at about 14:30 hours, ASI Rajendra Kurre of Police Station Pandri received secret information that a person carrying a white plastic bag containing contraband *ganja*

(cannabis) was standing near Kachda Godam, Daldal Seoni, searching for customers. Acting upon the said information, the police party proceeded to the spot, intercepted the present applicant, Kamlesh Patel, and upon search of the bag, illicit *ganja* quantity 2.230 KG was recovered from his possession. Consequently, the applicant was arrested and the aforesaid crime was registered.

4. Learned counsel for the applicant submits that the applicant is innocent and has falsely been implicated in the crime. It is further submitted that the seized quantity of contraband *ganja* is an intermediate quantity (less than the commercial quantity of 20 kg), and therefore, the stringent bar and twin conditions under Section 37 of the NDPS Act do not attract to the case at hand. The applicant has no criminal antecedents of a similar nature. However, he has two other criminal antecedents, one under Sections 137(2), 96 and 64(2)(D) of the BNS read with Section 6 of the POCSO Act, in which he has been acquitted, and another under the Chhattisgarh Excise Act, which is pending. The applicant has been languishing in custody since 16.06.2026, and the trial is likely to consume considerable time to conclude; thus, he may be enlarged on regular bail.
5. On the other hand, learned State counsel opposes the bail application and submitted that the contraband was seized directly from the physical possession of the applicant, who was caught red-handed. However, learned State counsel does not dispute that the seized quantity of *ganja* is intermediate quantity.
6. Heard learned counsel appearing for the parties and perused the case diary.
7. Considering the rival submissions, the facts and circumstances of the case, the alleged seized contraband *ganja* falls within the intermediate quantity category (below the commercial quantity of 20 kg), thus the statutory rigours of Section 37 of the NDPS Act would not attract this

case; further taking into consideration the detention period of the applicant since 16.06.2026, the applicant has no criminal antecedents of a similar nature, however, he has two other criminal antecedents, one under Sections 137(2), 96 and 64(2)(D) of the BNS read with Section 6 of the POCSO Act, in which he has been acquitted, and another under the Chhattisgarh Excise Act, which is pending; the conclusion of trial will take some time, this Court is of the view that it is a fit case to release the applicant on regular bail. Accordingly, the second bail application filed under Section 483 of the BNSS is **allowed**.

8. It is directed that in the event of the applicant executing a personal bond for a sum of Rs.50,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, he shall be released on bail, on following conditions :-

- (i) he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such fact to the Court,

- (ii) he shall not act in any manner which will be prejudicial to fair and expeditious trial, and

- (iii) he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

9. The observation made hereinabove is for the purpose of deciding this bail application only, the trial Court shall decide the case on its own merits.

Sd/-

Rakesh Mohan Pandey

JUDGE

Nadim/Ajinkya