



CGHC010388302026



2026:CGHC:44886

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 9300 of 2026

Lalu Rajput S/o Shri Laxman Rajput Aged About 28 Years R/o Village Kanwar Para, Ward No. 03, Champa, P.S. Champa, Distt. Janjgir-Champa Chhattisgarh
... Applicant

versus

State Of Chhattisgarh Through Station House Officer, P.S. Champa, Distt. Janjgir-Champa Chhattisgarh.
... Non-Applicant

For Applicant	:	Mr. Vivek Kumar Shrivastava, Advocate along with Mr. Khilendra Sahu, Advocate
For Non-Applicant/State	:	Ms. Ritika Verma, Panel Lawyer

Hon’ble Shri Justice Rakesh Mohan Pandey

Order on Board

16/10/2026

1. This is the first bail application filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to the applicant, who is in custody in connection with Crime No. 222/2026 registered at Police Station Champa, District Janjgir-Champa (C.G.) for offence punishable under Section 21(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985.
2. As per the prosecution case, on 11.05.2026, the police party of Police Station Champa received secret information to the effect that a person was illegally selling narcotic cough syrup near Siwani Mandal Talab. Acting upon the said information, a raid was conducted and one

person standing with a motorcycle carrying a black bag was apprehended, who disclosed his name as Raju Diwakar. Upon search of the bag, 25 bottles of Wincerex Cough Syrup (each containing 100 ml, totaling 2,500 ml) containing contraband codeine phosphate were recovered from his possession. Co-accused Raju Diwakar was arrested on 11.05.2026 and in his memorandum statement, he disclosed that he had purchased the seized illicit cough syrup from the present applicant, Lalu Rajput. On the basis of the disclosure statement of the co-accused, the present applicant was arrested on 06.06.2026.

3. Learned counsel for the applicant submits that the applicant is innocent and has falsely been implicated in the crime. It is submitted that no contraband was recovered from the conscious possession of the applicant, and he has been arrayed as an accused solely on the basis of the memorandum statement of co-accused Raju Diwakar. There is no independent or corroborative evidence to connect the applicant with the alleged offence. It is further submitted that though two past cases were registered against the applicant (Crime No. 139/2021 under Section 34(1A) of the Chhattisgarh Excise Act and Crime No. 791/2023 under Section 36(C) of the Excise Act), the applicant has already been acquitted in both matters. The investigation is complete, the charge-sheet has already been filed, the applicant has been in jail since 06.06.2026, and no custodial interrogation is further required, therefore, the applicant may be enlarged on regular bail.
4. On the other hand, learned State counsel opposes the bail application and submits that illicit contraband in the form of 2,500 ml of Corex cough syrup was seized from co-accused Raju Diwakar, who categorically disclosed in his memorandum statement that he had purchased the said contraband directly from the present applicant. It is contended that the applicant is actively engaged in the illicit trade and peddling of narcotic substances. Further, he has two criminal

antecedents of CG Excise Act, however, in both cases he has been acquitted, but looking to the nature and gravity of the offence, the 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. As per the prosecution case, 25 bottles of Wincerex Cough Syrup, each containing 100 ml, total 2,500 ml, were seized from the possession of co-accused Raju Diwakar. The co-accused Raju Diwakar in his memorandum statement stated that he purchased the said contraband from the present applicant. The seized contraband exceeds the commercial quantity and, thus, falls within the purview of commercial quantity. Consequently, the statutory bar and the twin conditions stipulated under Section 37 of the NDPS Act are directly attracted.
7. Considering the nature and gravity of the allegations, the quantity of contraband seized, and the disclosure statement of co-accused Raju Diwakar implicating the applicant as the supplier, this Court is not satisfied that the twin conditions under Section 37 of the NDPS Act are fulfilled. Accordingly, the first bail application filed under Section 483 of the BNSS is hereby **rejected**.

Sd/-

Rakesh Mohan Pandey

JUDGE

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