



CGHC010403842026

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 9923 of 2026

1 - Rihan Rajput S/o Murtaja Rajput Aged About 19 Years R/o Village Kandhla, Police Station Kandhla, Tehsil Kerana, District Samli, U. P.

... Applicant

versus

1 - State Of Chhattisgarh Through Station House Office The Police Station Tongpal, District Sukma, Chhattisgarh.

... Non-applicant

For Applicant	:	Mr. Munendra Kumar Sharma, Advocate
For Non-applicant	:	Mr. Vivek Sharma, PL

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 Bhartiya Nagrik Suraksha Sanhita, 2023 for grant of regular bail to the applicant, who has been arrested in connection with Crime No. 31/2025, registered at Police Station Tongpal, District Sukma (C.G.), for the offence punishable under Section 20(b)(ii)(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985. Earlier first bail application of

the applicant bearing MCRC No.7390 of 2026 was rejected on merits vide order dated 12.08.2026.

- 2)** Case of the prosecution, in brief, is that on the basis of a secret information received on 16.12.2025, the police officials intercepted the present applicant along with the co-accused persons on suspicion of transporting contraband ganja. During search, four packets of ganja weighing 20.210 Kg. were allegedly seized from the green trolley of applicant Rihan Rajput, whereas three packets of ganja weighing 14.920 Kg. were allegedly recovered from the blue trolley of the co-accused Ansh Rajput. Thus, a total quantity of 35.130 Kg. of ganja was seized. Thereafter, after completion of investigation, charge-sheet has been filed against the applicant and other co-accused persons. Hence, the present bail application.
- 3)** Learned counsel for the applicant submits that the applicant is innocent and has falsely been implicated in the present case. It is further contended that the first bail application of the applicant was rejected on merits in MCRC No. 7390 of 2026 and the applicant is in jail since 17.12.2025. He would submit that the rigours of Section 37 of the NDPS Act are not attracted and the conclusion of the trial may take some time. Therefore, he prays for grant of bail to the present applicant.
- 4)** On the other hand, learned State counsel opposes the prayer for grant of bail and submits that in the present case, charge-sheet has already been filed and the total quantity of contraband ganja seized from the joint possession of the applicant along with co-accused is 35.130 kg. which is much above the commercial quantity prescribed under the NDPS Act. He would contend that, in view of the statutory bar

contained in Section 37 of the NDPS Act, the applicant is not entitled to be granted regular bail.

- 5) I have heard learned counsel for the parties and perused the case diary.
- 6) Taking into consideration the facts and circumstances of the case, particularly that a total quantity of 35.130 kg of ganja has been seized from the joint possession of the applicant and the co-accused persons, and having regard to the nature and quantity of the contraband involved, this Court finds that the rigours of Section 37 of the NDPS Act are attracted. In the facts and circumstances of the case, this Court is not satisfied that there are reasonable grounds for believing that the applicant is not guilty of the alleged offence or that he is unlikely to commit any offence while on bail. Therefore, this Court is of the opinion that the applicant is not entitled to be released on regular bail.
- 7) It is a well-settled principle of law that while considering bail, the court's role is confined to verifying the existence of a *prima facie* case and the recovery of contraband article from exclusive possession of present applicant indicates their *prima facie* involvement in the illegal transit of ganja, therefore, the rigour of Section 37 of the NDPS Act would squarely apply to the present case.
- 8) In view of the aforesaid discussion, I am not inclined to allow this application. Accordingly, the instant bail application is **rejected**.

Sd/-

(Rakesh Mohan Pandey)
JUDGE