CGHC010321532026 2026:CGHC:43797

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 7675 of 2026

1 - Javed Khan S/o Salim Khan Aged About 36 Years R/o Ward No. 49, In Front Of Gouri Ashram Near Shitala Mata Mandir Balita Road P. S. Kunhadi, District Kota (Rajasthan) (As Per FIR)

2 - Aakash Berwa S/o Balmukund Berwa Aged About 26 Years R/o Ward No. 01, Near Shital Thermal Colony Kota P. S. Kunhadi, District Kota, (Rajasthan) (As Per FIR)

... Applicants

versus

1 - State Of Chhattisgarh Through Police Station Indagaon, District Gariyaband C. G. --- **Non-applicant**

For Applicants	:	Mr. Ashish Gangwani, Advocate
For Non-applicant	:	Mr. Vivek Sharma, PL

Hon'ble Shri Justice Rakesh Mohan Pandey

Order On Board

09.10.2026

1) The applicants have preferred this first bail application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail, as they have been arrested in connection with Crime No. 24/2026 registered at Police Station Indagaon, District Gariaband

(C.G.) for the offence punishable under Section 20(B) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

2) The prosecution case, in brief, is that on 30.06.2026, acting on information received from an informer, the police of Police Station Indagaon, District Gariaband, recovered 5.82 kg of ganja from the possession of applicant No.1 and 5.252 kg of ganja from the possession of applicant No.2, totalling 11.072 kg. Thereafter, the police registered an FIR against the applicants and arrested them on the same day. Hence, the present bail application.

3) Learned counsel appearing for the applicants would submit that the applicants are innocent and have falsely been implicated in the present case. He would further submit that the charge-sheet has already been filed and the applicants are in jail since 30.06.2026. He would contend that the seized contraband article, i.e.11.072 kg. of ganja, is of intermediate quantity and is less than the commercial quantity; hence, the rigours of Section 37 of the NDPS Act do not apply to the present case. He would further submit that applicant No.1 has seven criminal antecedents, out of which four matters have already been disposed of and only three are pending consideration before the competent Court, whereas applicant No. 2 has no criminal antecedents. He would also contend that the conclusion of the trial is likely to take considerable time; thus, the applicants may be enlarged on regular bail.

4) On the other hand, learned State counsel opposes the bail application and submits that a total of 11.072 kg. of ganja was seized from the joint possession of the applicants. He would further submit that applicant No. 1 has seven criminal antecedents, out of which three are

still pending before the competent Court and thus, he would pray for rejection of the bail application.

5) I have heard learned counsel for the parties and perused the case diary.

6) Having considered the submissions made by learned counsel for the parties and having regard to the facts and circumstances of the case, the nature and quantity of the contraband seized, and the material available on record, this Court finds that a total of 11.072 kg. of ganja was seized from the joint possession of the applicants. It is further noted that the charge-sheet has already been filed and the applicants are in jail since 30.06.2026.

7) So far as applicant No.1, **Javed Khan**, is concerned, he has seven criminal antecedents, out of which three matters are still pending consideration before the competent Court. The criminal antecedents of an accused are relevant while considering a prayer for bail, particularly to assess the likelihood of reoffending and the possibility of non-compliance with bail conditions. The pendency of three criminal cases of an identical nature raises a concern regarding the likelihood of repetition of similar offences if applicant No. 1 is enlarged on bail. Having regard to his criminal antecedents and the facts and circumstances of the case, this Court is not inclined to enlarge applicant No. 1, **Javed Khan**, on bail. Accordingly, the bail application filed by applicant No. 1, **Javed Khan**, is **rejected.**

8) So far as applicant No. 2 is concerned, taking into consideration the facts and circumstances of the case, particularly that the seized contraband article, i.e., 5.252 kg. of ganja, is of intermediate quantity

and is below the commercial quantity; applicant No.2 has no criminal antecedents; the charge-sheet has already been filed; he is in jail since 30.06.2026; and the conclusion of the trial is likely to take some time, this Court is inclined to enlarge applicant No. 2, **Aakash Berwa**, on regular bail. Accordingly, the bail application filed by applicant No. 2, **Aakash Berwa**, is **allowed**.

9) It is directed that in the event of the applicant No. 2/**Aakash Berwa** 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 the 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, &

(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.

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

Sd/-

(Rakesh Mohan Pandey)
JUDGE

Rekha