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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 8416 of 2026

1 - Shantanu Malik S/o Samnto Malik Aged About 23 Years All R/o Village Titamaha, Post Parampanga Police Station Balliguda, District Kandhmal (Orissa)

2 - Rahul Malik S/o Ebara Malik Aged About 19 Years R/o Village Titamaha, Post Parampanga Police Station Balliguda, District Kandhmal (Orissa)

3 - Juliyat Malik S/o Makula Malik Aged About 19 Years R/o Village Titamaha, Post Parampanga Police Station Balliguda, District Kandhmal (Orissa)

4 - Romio Malik S/o Ganpati Malik Aged About 19 Years R/o Village Titamaha, Post Parampanga Police Station Balliguda, District Kandhmal (Orissa)

5 - Dipa Digal D/o Late Munna Digal Aged About 35 Years R/o Village Titamaha, Post Parampanga Police Station Balliguda, District Kandhmal (Orissa)

6 - Rashmita Digal D/o Ajay Digal Aged About 27 Years R/o Village Titamaha, Post Parampanga Police Station Balliguda, District Kandhmal (Orissa)

... Applicants

versus

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

... Non-applicant

For Applicants	:	Mr. Bharat Gulabani, Advocate
For Non-applicant	:	Ms. Ritika Verma, P.L.

Hon'ble Shri Justice Rakesh Mohan Pandey

Order On Board

06.10.2026

1) The applicants have preferred this First Bail Application under Section 483 of Bhartiya Nagrik Suraksha Sanhita, 2023 for grant of regular bail, as they have been arrested in connection with Crime No. 90/2026, registered at Police Station : Ganj, District : Raipur (C.G.) for the offence punishable under Sections 20(C) and 29 of NDPS Act.

2) Case of the prosecution, in brief is that on 03.04.2026 on the basis of information given by the informant, police authorities seized 22.540 kg of Ganja, which was kept in 14 packets from joint possession of applicants and a juvenile. Thereafter, they were arrested in connection with the afore-stated offence.

3) Learned counsel for the applicants submits that the applicants have no criminal antecedents, have been in judicial custody since 03.04.2026, and the trial is likely to take considerable time to conclude. In view of these circumstances, it is prayed that the applicants be enlarged on regular bail.

4) On the other hand, learned counsel appearing for the State/non-applicant opposes the bail application and submits that the contraband article, i.e., 22.540 kg of Ganja, was seized from the joint possession of the present applicants and a juvenile, which

indicates their active involvement in the illegal transportation of the said contraband, therefore, the applicants are not entitled to the grant of regular bail.

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

6) It appears that the contraband article, i.e., 22.540 kg of Ganja, was recovered from the possession of the present applicants and a juvenile, which is well above the commercial quantity. 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 possession of present applicants 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.

7) 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

Ajinkya