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HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 8456 of 2026

Dharmendra Markandey S/o Hirau Ram Markandey, Aged About 32 Years R/o Village Patora, Police Station And Tahsil - Fingeshwar, District Gariyaband (C.G.)

... Applicant(s)

versus

State Of Chhattisgarh Through The Station House Officer, Police Station Chhura, District Gariyaband (C.G.)

... Non-Applicant(s)

For Applicant	:	Ms. Khushboo Khotey, Advocate.
For Non-Applicant/State	:	Ms. Ritika Verma, Panel Lawyer

Hon'ble Mr. Rakesh Mohan Pandey, Judge

Order on Board

14/10/2026

1. The applicant has preferred this first bail application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, for grant of regular bail, as he has been arrested in connection with Crime No. 132/2026 registered at Police Station Chhura, District Gariaband (C.G.), for the offence punishable under Section 20(B) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

2. The case of the prosecution, in brief, is that on 25.07.2026, upon receiving secret information that three persons were transporting

ganja in a Swift Dzire car bearing registration No. CG-10-RB-6883, the police of Police Station Chhura conducted a raid after complying with the applicable provisions of the NDPS Act. On stopping the vehicle, one person allegedly fled from the spot, while the applicant was found seated in the driver's seat and co-accused Tikam Adil was seated beside him. Upon search of the vehicle, 16 kg of ganja was allegedly recovered from two yellow cement bags kept in the rear boot of the car. Accordingly, the aforesaid offence was registered against the applicant and other accused.

3. Learned counsel for the applicant would submit that the applicant is innocent and has been falsely implicated in the present case. She would further submit that the alleged contraband was not seized from the exclusive possession of the applicant but was recovered from the vehicle in question. The quantity of ganja allegedly seized is 16 kg, which is below the commercial quantity of 20 kg prescribed under the NDPS Act, and, therefore, the rigours of Section 37 of the NDPS Act are not attracted. It is further submitted that the applicant has two criminal antecedents of the years 2018 and 2023, both of which are pending consideration, as disclosed in Part-D of the bail application. The charge-sheet has already been filed before the competent Court and the applicant is in jail since 26.07.2026, the conclusion of the trial is likely to take considerable time. Therefore, she prays for grant of regular bail to the applicant.

4. On the other hand, learned State counsel would oppose the prayer for grant of bail and submit that the charge-sheet has already been

filed before the competent Court and the applicant has two previous criminal antecedents, both of which are pending consideration, as disclosed in Part-D of the bail application. She would further submit that although the quantity of contraband allegedly seized in the present case is below the commercial quantity but considering the nature and seriousness of the offence, the applicant is not entitled to be enlarged on bail.

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

6. Having considered the facts and circumstances of the case, nature and gravity of the allegations, criminal antecedents of the applicant as disclosed in Part-D of the bail application, the alleged seizure of 16 kg of ganja from the vehicle in question, which is below the commercial quantity and the fact that the charge-sheet has already been filed before the competent Court, the period of incarceration since 26.07.2026 and the conclusion of the trial is likely to take considerable time, I am inclined to enlarge the applicant on regular bail.

7. Accordingly, the bail application of the applicant is **allowed**. 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 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.

Sd/-
(Rakesh Mohan Pandey)
Judge

Kunal