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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 8873 of 2026

- Uttam Chandra S/o Shri Yadram Chandra Aged About 41 Years R/o Gudi Chowk, Ward No. 09, Nagar Panchayt Jaijaipur, Police Station And Tahsil Jaijaipur, District- Sakti (C.G.)

... Applicant

versus

- State Of Chhattisgarh Through Officer In-Charge Police Station- Birra, District- Janjgir-Champa (C.G.)

... Non-applicant

For Applicant	:	Mr. Ramesh Nayak, Advocate
For Non-applicant	:	Ms. Priya Sharma, P.L.

Hon'ble Shri Justice Rakesh Mohan Pandey

Order On Board

06.10.2026

1) The applicant has preferred this First Bail Application under Section 483 of Bhartiya Nagrik Suraksha Sanhita, 2023 for grant of regular bail, as he has been arrested in connection with Crime No. 99/2026, registered at Police Station : Birra, District : Janjgir-Champa (C.G.) for the offence punishable under Sections 20(B) and 29 of NDPS Act.

2) Case of the prosecution, in brief is that on 01.08.2026 on the basis of information given by the informant, police authorities seized 20.375 kg of Ganja, which was kept in 10 packets from the vehicle RENAULT TRIBER bearing registration No. CG 11 AZ 6143 from joint possession of applicant and other co-accused persons. Thereafter, they were arrested in connection with the afore-stated offence.

3) Learned counsel for the applicant submits that the applicant, who was merely a driver of the vehicle, has falsely been roped into the present case, and the alleged contraband (20.0375 kg of Ganja) was not recovered from his exclusive or conscious possession, and he had no knowledge that the occupants were carrying the illicit substance. He further submits that the applicant has no antecedents, has been in judicial custody since 01.08.2026, and the trial is likely to take considerable time to conclude. In view of these circumstances, it is prayed that the applicant 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., 20.375 kg of Ganja, was seized from the joint possession of the present applicant and the co-accused, which indicates their active involvement in the illegal transportation of the said contraband, therefore, the applicant is 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., 20.375 kg of Ganja, was recovered from the possession of the present applicant and other co-accused persons, which is well above the commercial quantity. It is contended by Mr. Nayak that the applicant was merely driving the vehicle and had no knowledge that the occupants were carrying the illicit substance. However, sight cannot be lost of the fact that the contraband article was recovered from the possession of the accused persons, including the present applicant, and that he is named in the FIR.

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 possession of present applicant indicates his *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

Ajinkya