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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 8582 of 2026

- Moinnuddin S/o Qamruddin Aged About 46 Years R/o Moudhaha, Police Station And Tahsil Moudhaha, District- Hamirpur (U.P.)

... Applicant

versus

- State Of Chhattisgarh Through P.S. Komakhan, District- Mahasamund (C.G.)

... Non-applicant

For Applicant	:	Mr. Jameel Akhtar Lohani, Advocate
For Non-applicant	:	Ms. Monika Thakur, P.L.

Hon'ble Shri Justice Rakesh Mohan Pandey

Order On Board

14.10.2026

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. 11/2026, registered at Police Station Komakhan, District : Mahasamund (C.G.) for the offence punishable under Sections 20(b)(ii)(C) and 29 of NDPS Act.

2) The case of the prosecution, in brief, is that on 22.01.2026, acting on information provided by an informant, the police authorities apprehended a SCORPIO car bearing registration No. CG 04 QL 0907 and seized 80 kg of ganja from the joint possession of co-accused persons, namely Sanjay Kumar Anuragi and Hulesh Diwan. Thereafter, they were arrested in connection with the aforementioned offence, and during the course of the investigation, they implicated the present applicant. Subsequently, the applicant was arrested on 13.04.2026.

3) Learned counsel for the applicant submits that the applicant has been falsely implicated in the present case only on the basis of suspicion and the memorandum statements of the co-accused persons. He further submits that although a mobile phone number was allegedly disclosed by the co-accused, the same does not match the mobile number belonging to the present applicant. He also submits that the charge-sheet has already been filed, the applicant has no prior criminal antecedents, and he has been languishing in jail since 13.04.2026. Since the conclusion of the trial is likely to take time, it is prayed that the instant bail application may kindly be allowed.

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., 80 kg of ganja, was seized from the joint possession of the co-accused persons, whose disclosure

implicating the present applicant clearly indicates his active involvement in the illegal transit 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., 80 kg of ganja, was recovered from the possession of the co-accused persons, namely Sanjay Kumar Anuragi and Hulesh Diwan, which is well above the commercial quantity. In their memorandum statements, they stated that they used to sell the contraband to the applicant.

7) It is contended by Mr. Lohani that no recovery has been effected from the applicant, the charge-sheet has already been filed, and the applicant is languishing in jail since 13.04.2026 despite having no previous criminal antecedents. However, the mere filing of the charge-sheet does not absolve the applicant of the liability cast upon him.

8) 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. Hence, the recovery of commercial quantity of contraband from the possession of the co-accused persons, who implicated the applicant and detailed his role, *prima facie* indicates his involvement in the illegal transit of the said contraband, attracting the rigour of Section 37 of the NDPS Act to the present case.

9) Having considered the above-discussed facts, in my opinion, present is not a fit case to enlarge the applicant on regular bail at this stage. Accordingly, the instant bail application stands **rejected**.

Sd/-
(Rakesh Mohan Pandey)
JUDGE

Ajinkya