CGHC010363112026 2026:CGHC:43732

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 8971 of 2026

Lankeshwar Digal S/o Balanga Digal Aged About 38 Years R/o Kalupusing Taga Baju Pokhari P.S. Kandhamal, Tehsil And Distt- Kandhamal, Odisha.

... Applicant

versus

State Of Chhattisgarh Through Station House Officer, Bagbahra, District-Mahasamund (C.G.). **... Non-Applicant**

For Applicant	**:**	Ms. Priyanka Bajpai, Advocate
For Non-Applicant	**:**	Ms. Priya Sharma, Panel Lawyer

Hon'ble Shri Justice Rakesh Mohan Pandey

Order on Board

08/10/2026

1. This is the first bail application filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to the applicant who has been arrested in connection with Crime No. 31/2026 registered at Police Station Bagbahara, District Mahasamund (C.G.) for the offence punishable under Section 20(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985. The applicant is in custody since 20.02.2026.

2. Case of the prosecution, in brief, is that on 17.02.2026, acting upon secret information, police intercepted an unnumbered scooter near Rajasthani Dhaba on NH-353, occupied by co-accused Pushpendra Sahu and a child in conflict with law. Upon search, 23.300 kg of

contraband (ganja) kept in a white plastic bag was recovered from their joint possession. During interrogation, co-accused Pushpendra Sahu disclosed in his memorandum statement that the contraband was purchased from the present applicant, a resident of Odisha, for a consideration of ₹63,000/- transferred through digital mode (PhonePe). On the basis of said memorandum statement, the applicant was arrested on 20.02.2026 and roped into the present crime.

3. Learned counsel for the applicant submits that the applicant is innocent and has falsely been implicated in the case. It is submitted that no contraband was recovered from the physical or conscious possession of the applicant, as the entire seizure was effected from the spot from co-accused Pushpendra Sahu and the juvenile. The applicant was not present on the spot and has been implicated solely on the basis of the memorandum statement of the co-accused. It is further submitted that the applicant has no criminal antecedents, the investigation has been completed and the charge-sheet has already been filed, he has been languishing in custody since 20.02.2026, and the conclusion of the trial is likely to take considerable time; thus, the applicant may be enlarged on regular bail.

4. On the other hand, learned State counsel opposes the bail application and submitted that the contraband seized in the present matter is 23.300 kg of ganja, which is of commercial quantity, attracting the statutory bar of Section 37 of the NDPS Act. It is further submitted that the applicant is the main supplier of the contraband residing in Odisha, digital transaction records connect him to the crime, and being a resident of another State, there is a strong apprehension of his absconding if enlarged on bail; thus, he may not be enlarged on bail.

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

6. Taking into consideration the facts and circumstances of the case, particularly that the contraband (ganja) was seized from the joint possession of co-accused Pushpendra Sahu and the child in conflict with law on the spot, and the present applicant was neither apprehended from the spot nor was any contraband recovered from his conscious possession; further considering that the applicant has been implicated on the basis of the memorandum statement of the co-accused, that the applicant has no criminal antecedents, the investigation is complete and the charge-sheet has already been filed, he has been in custody since 20.02.2026, and the trial is likely to take considerable time to conclude, this Court, without commenting on the merits of the case, is inclined to release the applicant on bail. Accordingly, the bail application is **allowed**.

7. 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 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, and

   (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.

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

Rakesh Mohan Pandey

JUDGE

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