CGHC010363232026 2026:CGHC:44245

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 9126 of 2026

1 - Pratik Sharma S/o Rakesh Sharma Aged About 22 Years R/o Khamtarai Santoshi Nagar, G.T. Complex, Near Santoshi Mandir, P.S. Khamtarai Distt- Raipur (C.G.) **... Applicant(s)**

versus

1 - State Of Chhattisgarh Through Station House Officer, Police Station Tikrapara, Raipur Distt- Raipur (C.G.) **…. Non-Applicant**

For Applicant	**:**	Mr. C.R. Sahu, Advocate
For Non-Applicant /State	**:**	Mr. Jitendra Shrivastava, G.A.

Hon'ble Shri Justice Rakesh Mohan Pandey

Order on Board

13/10/2026

1. This application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 has been filed by the applicant for grant of regular bail, who has been arrested in connection with Crime No. 900/2025 registered at Police Station Tikrapara, Raipur, District Raipur (C.G.) for offences punishable under Sections 20(C) and 29 of the Narcotic Drugs and Psychotropic Substances Act 1985 (for short, NDPS Act).
2. The case of the prosecution, in brief, is that, on the basis of secret information, the police intercepted the present applicant and co-accused Mohammad Shami on 05.11.2025 and recovered 4.24 kg

of ganja from the applicant and 4.36 kg of ganja from co-accused Mohammad Shami. Both the applicant and the co-accused informed the police that they had purchased the contraband from Palak Nagwani and Sheikh Sharukh at Chourasia Colony, Tikrapara, Raipur. Thereafter, the applicant and the co-accused accompanied the police, and at their instance, the police seized 14.954 kg of ganja from the joint possession of co-accused Palak Nagwani and Sheikh Sharukh. Thus, the police recovered a total of 23.014 kg of ganja. Consequently, an FIR was registered, and the applicant was taken into custody on 17.11.2025.

3. Learned counsel for the applicant submits that the police intercepted the applicant and seized 4.024 kg of contraband from his possession, which is below the commercial quantity. He further submits that the applicant has no criminal antecedents and has been in jail since 17.11.2025. It is also submitted that the investigation has been completed and the charge-sheet has already been filed. The applicant is ready to abide by all stringent terms and conditions that may be imposed by this Court. There is no likelihood of his absconding or tampering with the evidence. Therefore, the applicant may be enlarged on regular bail.

4. On the other hand, learned State Counsel opposes the bail application and submits that the bar under Section 37 of the NDPS Act is attracted, as the total quantity of contraband seized is 23.014 kg, which is above the commercial quantity. He further submits that there was a conspiracy among the accused persons;

therefore, Section 29 of the NDPS Act has also been invoked. Hence, the bail application is liable to be dismissed.

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

6. It appears that the contraband article, i.e., 23.014 kg of ganja, was recovered in the present case, out of which 4.24 kg of ganja was seized from the possession of the present applicant and 4.36 kg of ganja from the possession of co-accused Mohammad Shami, while the remaining 14.954 kg of ganja was seized from the joint possession of co-accused Palak Nagwani and Sheikh Sharukh. The contention of the learned counsel for the applicant is that the quantity of ganja seized from the present applicant is below the commercial quantity. However, sight cannot be lost of the fact that the total quantity of contraband seized in the present case is 23.014 kg, which is above the commercial quantity, and that Section 29 of the NDPS Act has also been invoked, alleging conspiracy among the accused persons.

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

Jyoti