CGHC010363432026 2026:CGHC:43239

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 8864 of 2026

1 - Mukesh Modi S/o Mathura Modi Aged About 45 Years R/o House No. 25/2, Maitri Nagar, Risali, Police- Station- Newai, Bhilai, District And Tehsil- Durg, Chhattisgarh

... Applicant

versus

1 - State Of Chhattisgarh Through- The Station House Officer, Police Station Newai, Distt. Durg (C.G.) --- **Non-applicant**

For Applicant	:	Mr.Jitendra Gupta, Advocate
For Non-applicant	:	Ms. Ankita Shukla, PL

Hon'ble Shri Justice Rakesh Mohan Pandey

Order On Board

06.10.2026

1) The applicant has preferred this Second Bail Application under Section 483 of the Bhartiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail, he has been arrested in connection with Crime No.89/2025 registered at Police Station Newai, District Durg (C.G.), for the offence punishable under Sections 20-B, 27-A of the Narcotic Drugs and Psychotropic Substances Act, 1985. Earlier first bail application of the applicant bearing MCRC No.5227 of 2025 was

rejected on merits vide order dated 07.07.2024.

2) The case of the prosecution, in brief, is that on 16.04.2025, on the basis of secret information, the police apprehended the present applicant and co-accused and seized 13.354 kg of cannabis from the vehicle allegedly in the applicant's possession and 2.172 kg from the vehicle of the co-accused. Thereafter, the applicant was arrested in connection with the aforesaid offence. Hence, the present bail application.

3) Learned counsel for the applicant submits that the first bail application was dismissed in MCRC No. 5227 of 2025 vide order dated 07.07.2024 on account of two live criminal antecedents of similar nature. He would argue that one of the criminal cases has already been disposed of, wherein the applicant has been acquitted, and only one case is presently pending. It is also argued that the applicant is in jail since 16.04.2025 and, out of 11 witnesses, 7 have already been examined. He would, therefore, pray for grant of bail to the present applicant.

4) On the other hand, learned State counsel opposes the bail application and submits that 13.354 kg of cannabis was seized from the exclusive possession of the present applicant on 16.04.2025. She would further submit that the first bail application was rejected on merits and though the applicant has been acquitted in one criminal case but there is still one live criminal antecedent of similar nature. She would, therefore, contend that the bail application deserves to be rejected.

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, particularly the fact that the applicant is in jail since 16.04.2025; that his first bail application was rejected on merits, but subsequently, he has been acquitted in one of the criminal cases which was earlier treated as a live criminal antecedent; that presently, only one criminal antecedent of similar nature remains against him; and further considering that the quantity of contraband seized from the possession of the applicant is 13.354 kg, which is an intermediate quantity and below the commercial quantity, as well as the fact that out of 11 prosecution witnesses, 7 witnesses have already been examined, without commenting anything on the merits of the case, I am of the considered opinion that the applicant deserves to be enlarged on bail. Accordingly, I am inclined to grant bail to the present applicant. 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 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.

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

Sd/-

(Rakesh Mohan Pandey)
JUDGE

Rekha