CGHC010365612026 2026:CGHC:43238

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 8867 of 2026

1 - Rahul Gaekwad @ Chonti S/o Virendra Gaekwad Aged About 22 Years R/o Ward No. 08 Ravanpara Gandai P.S. Gandai District K.C.G. (C.G.)

... Applicant

versus

1 - State Of Chhattisgarh Through - Station House Officer, Police Station Gandai District Rajnandgaon (C.G.) **... Non-applicant**

For Applicant	:	Mr. Dinesh Yadav, Advocate holding the brief of Mr. Aditya Bharadwaj, Advocate
For Non-applicant	:	Mr. Jitendra Shrivastava, GA

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 the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS'), for grant of regular bail, as he has been arrested in connection with Crime No.391/2025, registered at Police Station Gandai, District KCG (CG) for the offence punishable under Sections 21(C) & 29 of NDPS Act.

2) The case of the prosecution, in brief, is that on 07.11.2025, the police intercepted the present applicant and co-accused persons near Thandar Bridge and, upon search, seized 398 strips of SPAS-TRANSCAN Plus capsules weighing 1.990 kg, along with two

motorcycles. During investigation, the alleged supplier was also arrested and Section 29 of the NDPS Act was added. After completion of investigation, the charge-sheet was filed for offences under Sections 21(C) and 29 of the NDPS Act. Hence, the present bail application.

3) Learned counsel for the applicant would submit that the applicant is innocent and has falsely been implicated in the instant case. He would submit that the applicant had only gone to receive the co-accused persons who were travelling from Gujarat by train and had no knowledge that they were carrying contraband. He would further submit that the entire contraband, i.e., SPAS-TRANSCAN Plus capsules, was allegedly carried by three co-accused persons in the train and not by the present applicant. It is argued that seizure witnesses have already been examined and have not supported the case of the prosecution. 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 398 strips of banned SPAS-TRANSCAN Plus capsules, containing Dicyclomine Hydrochloride IP 10 mg, Tramadol Hydrochloride IP 50 mg and Acetaminophen IP 25 mg, weighing 1.990 kg in total, were seized from the joint possession of the present applicant and co-accused persons. He would, therefore, contend that the applicant is not entitled to grant of bail.

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

6) It is a well-settled principle of law that, while considering a bail application, the High Court cannot conduct a mini-trial or undertake a detailed examination of the evidence. The reliability and credibility of

the witnesses are matters to be assessed by the learned Trial Court during the course of trial.

7) Having considered the facts and circumstances of the case, the nature and gravity of the allegations, and the material available on record, it appears that 398 strips of SPAS-TRANSCAN Plus capsules, weighing 1.990 kg in total, were seized from the joint possession of the present applicant and co-accused persons. The contraband allegedly contains Tramadol Hydrochloride along with other substances and the prosecution has invoked Sections 21(C), 27-A, 8 and 29 of the NDPS Act. The contention of learned counsel for the applicant that he had merely gone to receive the co-accused persons and had no knowledge about the contraband cannot, at this stage, be accepted in view of the allegation of joint possession and the material collected during investigation.

8) Further, considering the nature and quantity of the contraband, the allegation regarding involvement of the applicant in the transportation and possession of the contraband, and the statutory restrictions governing grant of bail in cases involving commercial quantity, this Court is not satisfied that the applicant has made out a case for grant of bail at this stage. Without commenting upon the merits of the case, I am of the considered opinion that the applicant is not entitled to be enlarged on bail. Accordingly, the bail application is **rejected**.

Sd/-

(Rakesh Mohan Pandey)
JUDGE

Rekha