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HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 9185 of 2026

- Prince Gupta @ Ashok Shah @ Bodhu S/o Shri Sahdev Gupta Aged About 27 Years R/o Chandni Chowk, Near Victoria School, Thana- Ambikapur, District- Surguja Chhattisgarh.

... Applicant

versus

- State Of Chhattisgarh Through Station House Officer, Police Station- Gandhinagar, District- Surguja Chhattisgarh.

... Non-applicant

For Applicant	:	Mr. Amardeep Lahre, Advocate on behalf of Mr. Rajendra Patel, Advocate
For Non-applicant	:	Ms. Ankita Shukla, P.L.

Hon'ble Shri Justice Rakesh Mohan Pandey

Order On Board

13.10.2026

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. 133/2025, registered at Police Station : Gandhinagar, District : Sarguja (C.G.) for the offence punishable under Section 22(C) of NDPS Act.

2) The case of the prosecution, in brief, is that on 22.02.2025, acting on information provided by an informant, the police authorities apprehended the applicant and seized:

- 100 units of Rexogesic (Buprenorphine Injection IP, 2 ml ampoules) kept in 4 boxes,
- 100 units of Avil (Pheniramine Maleate Injection IP, 10 ml vials) kept in 4 boxes, and
- 12 units of Onerex (Codeine Phosphate cough syrup, totaling 1,200 ml).

Thereafter, the police registered the afore-stated offence and arrested the applicant.

3) The learned counsel for the applicant submits that the applicant is innocent and he has falsely been implicated in the present case. He further submits that the applicant has two criminal antecedents, out of which he has been acquitted in one case, and all such antecedents have been duly explained in Part-D (Criminal Antecedents) of the present bail application. He contends that co-accused Chetan Agrawal has been enlarged on bail by the Hon'ble Supreme Court in Criminal Appeal No. 5434/2025, and co-accused Suraj Singh has been enlarged on bail by the co-ordinate Bench in MCRC No. 1704/2026. He further contends that the charge-sheet has been filed in the present case before the competent Court, the applicant has been in jail since 22.02.2025, and the trial is likely to take some time to conclude, therefore, he prays for the grant of bail.

4) On the other hand, learned counsel appearing for the State/non-applicant opposes the bail application and submits that the afore-stated contraband articles were seized from the conscious possession of the applicant. She further submits that the applicant has five criminal antecedents, including two cases of similar nature, which make him a habitual offender. Hence, he is not entitled to the grant of bail.

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

6) It appears that the afore-stated contraband substances, which are well above the commercial quantity, were recovered from the exclusive and conscious possession of the applicant. In this bail application, applicant has taken the plea of parity stating that co-accused Chetan Agrawal has been enlarged on bail by the Hon'ble Supreme Court in Criminal Appeal No. 5434/2025, and co-accused Suraj Singh has been enlarged on bail by the co-ordinate Bench in MCRC No. 1704/2026.

7) However, it is worth mentioning that while granting bail to co-accused Chetan Agrawal, the Hon'ble Supreme Court took note of the fact that no recovery was effected from him and he was arraigned as an accused only on the basis of the statement of the present applicant. A similar rationale was applied by the co-ordinate Bench while granting bail to co-accused Suraj Singh,

whereas the afore-stated contraband was recovered from the exclusive possession of the present applicant. Therefore, in view of the aforesaid discussion, the ground of parity is not available to the present applicant.

8) In the present bail application, the applicant has disclosed two criminal antecedents, pointing out that he has already been acquitted in one of those cases, whereas the learned State counsel has stated that the applicant has five criminal antecedents, including two cases of a similar nature. Nonetheless, the primary objectives of examining an accused person's criminal antecedents during bail proceedings are:

i. To assess the likelihood of compliance with bail conditions and ensure the accused will not flee or jump bail;
ii. To determine whether there is a habitual pattern of committing similar or grave offenses; and
iii. To evaluate the risk of evidence tampering, obstruction of the ongoing investigation, or witness intimidation.

The existence of 02 criminal antecedents of an identical nature underscores a persistent pattern of offending, raising a grave apprehension of offense repetition if he is enlarged on bail.

9) Hence, the recovery of commercial quantity of contraband articles from the exclusive possession of the applicant, *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. Also in light of the judgment rendered by the Supreme Court in ***Deepak Yadav v. State of Uttar Pradesh & Another***, reported in **(2022) 8 SCC 559**, wherein the Hon'ble Supreme Court had cancelled the bail granted to the accused therein on the ground that the accused had previous antecedents, this Court is not inclined to extend the benefit of bail to the applicant.

10) Accordingly, the instant bail application is **rejected**.

Sd/-
(Rakesh Mohan Pandey)
JUDGE

Ajinkya