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KUNAL DEWANGAN

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HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 8757 of 2026

Mukesh Gupta S/o Chandrika Gupta Aged About 37 Years R/o Karji, P.S. Darima, District- Surguja (C.G.)

... Applicant(s)

versus

State Of Chhattisgarh Through Divisional Excise Flying Squad, Surguja Division, District- Surguja (C.G.)

... Non-Applicant(s)

For Applicant	:	Mr. Kamlesh Patel, Advocate.
For Non-Applicant/State	:	Ms. Ritika Verma, Panel Lawyer

Hon'ble Mr. Rakesh Mohan Pandey, Judge

Order on Board

12/10/2026

1. The applicant has preferred this first bail application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, for grant of regular bail, as he has been arrested in connection with Crime No. 177/2026 registered at Police Station- Divisional Excise Flying Squad, Surguja Division, District Surguja (C.G.), for the offence punishable under Section 22(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

2. The prosecution case, in brief, is that on 18.02.2026, during

patrolling, the Excise officials intercepted the applicant while he was riding a Hero CD Deluxe motorcycle bearing registration No. CG-15-CQ-1960. Upon searching a bag hanging on the motorcycle, 28 strips containing 224 Spasmo Proxyvon Plus capsules, weighing 136.64 grams, were allegedly recovered from his possession. Accordingly, the contraband was seized and an offence under Section 22(c) of the NDPS Act was registered against the applicant.

3. Learned counsel for the applicant would submit that on 18.02.2026, the Excise officials seized 136.64 grams of the alleged contraband containing Tramadol from the possession of the applicant and registered an offence punishable under Section 22(c) of the NDPS Act. He would further submit that the quantity seized falls within the category of intermediate quantity, as the notified small quantity of Tramadol is 5 grams and the commercial quantity is 250 grams. He would also submit that the charge-sheet has already been filed before the competent Court and the applicant is in jail since 18.02.2026. So far as the criminal antecedents of the applicant are concerned, he has only one previous criminal antecedent. Therefore, he prays for grant of bail.

4. On the other hand, learned State counsel would oppose the prayer for grant of bail and submit that 224 Spasmo Proxyvon Plus capsules, weighing 136.64 grams, were recovered from the bag hanging on the motorcycle being driven by the applicant, which is below the notified commercial quantity. She would further submit that the applicant has one previous criminal antecedent, which has

not been explained in the relevant part of the bail application though having regard to the seriousness of the offence alleged, the applicant is not entitled to be enlarged on bail.

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, nature and gravity of offence alleged against the applicant and the fact that the quantity of the alleged contraband seized from the possession of the applicant, is below the notified commercial quantity, the fact that the charge-sheet has already been filed before the competent Court and the period of custody of the applicant since 18.02.2026 and also considering the criminal antecedent of the applicant, coupled with the fact that the trial is likely to take some time for its conclusion, thus without commenting upon the merits of the case, I am inclined to grant bail to the applicant.

7. Accordingly, the bail application of the applicant is **allowed**. 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.

Sd/-
(Rakesh Mohan Pandey)
Judge

Kunal