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HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 8959 of 2026

Bhavesh Bhai Nayi @ Bhavesh Mohan Bhai Umat S/o Mohan Bhai Nayi Aged About 23 Years R/o Indira Vaas, Khandek, Kachch, Gujarat

... Applicant(s)

versus

State Of Chhattisgarh Through Station House Officer, Police Station-Mainpur, District- Gariyaband, C.G.

... Non-Applicant(s)

For Applicant	:	Mr. Abhyuday Tripathi, Advocate.
For Non-Applicant/State	:	Ms. Ankita Shukla, Panel Lawyer

Hon'ble Mr. Rakesh Mohan Pandey, Judge

Order on Board

08/10/2026

1. The applicant has preferred this 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. 91/2026, registered at Police Station Mainpur, District Gariyaband (C.G.), for the offence punishable under Section 20(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

2. The prosecution case, in brief, is that on 17.07.2026, the police received secret information that a person wearing a grey-coloured

sleeveless vest and black-coloured full pants and carrying a black-coloured backpack was waiting near Royal Dhaba with ganja for prospective customers. Acting upon the said information, the police proceeded to the spot and after undertaking the requisite proceedings under the provisions of the NDPS Act, apprehended the applicant and conducted his search. During the search, 3 kilograms of ganja was allegedly seized from his possession in the presence of witnesses. On the basis of the said seizure, the aforesaid offence was registered against the applicant.

3. Learned counsel for the applicant would submit that the applicant is innocent and has been falsely implicated in the present case. He would submit that the applicant was travelling for his personal work to the residence of a relative and during traffic checking, an altercation took place between the applicant and the police personnel, pursuant to which he has been falsely implicated in the present case. It is specifically submitted that no narcotic substance was recovered from the conscious possession of the applicant and the alleged contraband was subsequently introduced by the police. Learned counsel would further submit that the alleged quantity of contraband, i.e. 3 kilograms of ganja, is an intermediate quantity. He would also submit that the charge-sheet has already been filed before the competent Court, the applicant has no criminal antecedents, he is in custody since 18.07.2026 and the conclusion of the trial is likely to take some time. Therefore, he prays for grant of regular bail.

4. On the other hand, learned State counsel would oppose the prayer for grant of bail and submit that 3 kilograms of ganja has been seized from the possession of the applicant, which is below the commercial quantity. Although the charge-sheet has already been filed and the applicant has no previous criminal antecedents but looking to the quantity of contraband seized from the possession of the applicant and the nature of the offence alleged against him, he is not entitled to be released on bail.

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

6. Considering the facts and circumstances of the case, nature and gravity of offence alleged against the applicant, the fact that the applicant has no criminal antecedents, the alleged quantity of contraband seized from his possession, i.e. 3 kilograms of ganja, which is an intermediate quantity and further considering that the charge-sheet has already been filed before the competent Court and the applicant has remained in custody since 18.07.2026 and the conclusion of the trial is likely to take some time, this Court is of the considered view that the applicant deserves to be enlarged on regular bail.

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