CGHC010370342026 2026:CGHC:44215

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 9112 of 2026

1 - Anurag Soni S/o Shri Rajkumar Soni, Aged About 29 Years R/o Vindhwasini Ward, Kargil Chowk, P. S. Kotwali, District Dhamtari, C.G.

... Applicant(s)

versus

1 - State Of Chhattisgarh Through The Station House Officer, Police Station Civil Line, District Raipur, C.G. **…. Non-Applicant**

For Applicant	**:**	Mr. Shreyansh Pathak, Advocate
For Non-Applicant /State	**:**	Mr. Kanwaljeet Singh Saini, Dy. G.A.

Hon'ble Shri Justice Rakesh Mohan Pandey

Order on Board

13/10/2026

1. This application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 has been filed by the applicant for grant of regular bail, who has been arrested in connection with Crime No. 88/2026 registered at Police Station Civil Lines, District Raipur (C.G.) for offences punishable under Sections 20(C), 29, 27(A) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, NDPS Act) and 111 of BNSS.
2. The case of the prosecution, in brief, is that on 14.02.2026, acting upon secret informant information that the police party conducted a raid on the spot and in the search, contraband Ganja weighing 50.940 kg was seized from the possession of the present

applicant and co-accused. Consequently, FIR was registered, and the applicant was taken into custody on 17.07.2026.

3. Learned counsel for the applicant submits that the applicant is innocent and has falsely been implicated in the present case. It is argued that the applicant has been in jail since 17.07.2026. He has been implicated on the basis of memorandum statement of co-accused person. It is further submitted that the investigation has been completed, the charge-sheet has already been filed. The applicant is ready to abide by all stringent terms and conditions that may be imposed by this Court, and there is no likelihood of absconding or tampering with evidence; thus, the applicant may be enlarged on regular bail.

4. On the other hand, learned counsel for the State would oppose the bail application and submit that the bar under Section 37 of the NDPS Act is attracted, as the contraband article, i.e. 50.940 kg, is much above the commercial quantity. Hence, the bail application is liable to be dismissed.

5. Heard learned counsel appearing for the parties and perused the case diary.

6. It appears that the contraband article, i.e., 50.940 kg of Ganja, was recovered from the dickey of the car bearing registration No. MH-01/BU-9616, in which the co-accused persons were found sitting. It is contended by learned counsel for the applicant that no recovery of the contraband article was recovered from the possession of the present applicant and that he has been falsely implicated in the present case solely on the basis of the memorandum statement of the co-accused persons. However,

sight cannot be lost of the fact that the contraband article was recovered from the vehicle allegedly in the joint possession of the co-accused persons, and the quantity seized is much above the commercial quantity.

7. It is a well-settled principle of law that while considering bail, the court's role is confined to verifying the existence of a *prima facie* case and the recovery of contraband article from possession of present applicant indicates his *prima facie* involvement in the illegal transit of ganja, therefore, the rigour of Section 37 of the NDPS Act would squarely apply to the present case.

8. In view of the aforesaid discussion, I am not inclined to allow this application. Accordingly, the instant bail application is **rejected**.

Sd/-

Rakesh Mohan Pandey
JUDGE

Jyoti