CGHC010372052026

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 9416 of 2026

- Arif Hussain S/o Late Shabbir Hussain Aged About 26 Years R/o Imlipara Police Station Kotwali Ambikapur Distt- Surguja (C.G.) (In Correct Address Of Applicant)

... Applicant

versus

- State Of Chhattisgarh Through Station House Officer, Police Station Gandhinagar, Distt- Surguja (C.G.)

... Non-Applicant

For Applicant : Mr. Sanjay Pathak, Advocate
For State : Ms. Smriti Shrivastava, Panel Lawyer

Hon'ble Shri Justice Rakesh Mohan Pandey

Order on Board

05.11.2026

1. This is the first bail application filed under Section 483 of the Bhartiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to the applicant who has been arrested in connection with Crime No. 364/2024 registered at Police Station Gandhinagar, District Surguja (C.G.), for the offence punishable under Section 22(C), 27 & 29 of NDPS Act.

2. The case of the prosecution, in brief, is that the police of Police Station Gandhinagar, District Surguja intercepted a Alto Car bearing registration No. JH 01 DC 3645 and seized 1500 pieces of Rexogesic Buprenorphine Injection IP, 2 ml each, having a total quantity of 3000 ml from possession of Pankajdhar Dubey/co-accused. Subsequently, on the basis of memorandum

statement of co-accused Pankajdhar Dubey, the present applicant was arrested. Thereafter, the police registered aforesaid offence against the present applicant.

3. Learned counsel for the applicant submits that the present applicant has falsely been implicated in this case and said contraband article was not seized from exclusive possession of the present applicant and he has been implicated solely on the basis of memorandum statement of co-accused. It is further submitted that co-accused, on whose instance alleged contraband was recovered, has already been granted bail by the Hon'ble Supreme Court in SLP (Crl.) No. 11633/2026 vide order dated 24.07.2026. He further submits that applicant is in jail since 19.03.2026, charge-sheet has been filed and trial is likely to take some time for its conclusion. It is submitted that present applicant has only one criminal antecedent. He would pray for grant of bail to the present applicant on the ground of parity.

4. On the other hand, learned counsel for the State would oppose the bail application and submit that the charge-sheet has been filed in the present case before the competent Court. However, he does not dispute the fact that co-accused Pankajdhar Dubey has been granted bail by the Hon'ble Supreme Court vide order dated 24.07.2026.

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

6. Having considered facts and circumstances of the case, nature and gravity of allegations levelled against the present applicant, and fact that co-accused Pankajdhar Dubey, on whose instance alleged contraband was recovered, has been enlarged on bail by the Hon’ble Supreme Court in SLP (Crl.) No.

11633/2026, vide order dated 24.07.2026, as he had been in judicial custody for more than two years and out of 22 witnesses, only 9 had been examined at that point of time, one criminal antecedent of similar nature of the said co-accused was also taken into consideration by the Hon'ble Supreme Court; whereas, in the present case, the applicant was absconding and was arrested on 19.03.2026, his name surfaced in memorandum statement of co-accused Pankajdhar Dubey, and he also has one criminal antecedent of similar nature registered in the year 2024, without commenting on the merits of the case, I am inclined to allow this application.

7. Accordingly, the regular bail application is allowed and 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

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