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HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 9021 of 2026

- Vivek Dewangan S/o Ravindra Dewangan Aged About 25 Years R/o Shankar Nagar, Ward No. 11, Durg Tehsil And District Durg Chhattisgarh

... Applicant

versus

- State Of Chhattisgarh Through Station House Officer, Police Station Pulgaon District Durg Chhattisgarh

...Non-applicant

For Applicant	:	Mr. Amit Sharma, Advocate
For Non-applicant	:	Mr. Jitendra Shrivastava, G.A.

Hon'ble Shri Justice Rakesh Mohan Pandey

Order On Board

09.10.2026

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. 525/2025, registered at Police Station :Pulgaon, District : Durg (C.G.) for the offence punishable under Section 21(C) of NDPS Act.

2) The case of the prosecution, in brief, is that on 30.10.2025, acting on information provided by an informant, the police authorities seized 13 litres of Triprolidine Hydrochloride and Codeine Phosphate syrup contained in 130 bottles from a TVS Jupiter vehicle, from the joint possession of co-accused persons, namely Sanjay Tiwari and Vasu Chandrakar. Thereafter, they were arrested in connection with the aforementioned offence, and during the course of the investigation, they implicated the present applicant and one Ajay Yadav. Subsequently, the applicant surrendered before the learned court below on 14.05.2026.

3) Learned counsel for the applicant submits that the applicant is innocent and has falsely been implicated in the present case solely on the basis of the memorandum statements of the co-accused persons, whereas no recovery of the prohibited syrup was effected from his possession. He further submits that upon learning of the case, the applicant surrendered before the court to cooperate with the investigation. It is further submitted that the applicant has no prior criminal antecedents, however, he has been in custody since 14.05.2026 and the trial is progressing at a slow pace. Therefore, he prays that the present bail application be allowed.

4) On the other hand, learned counsel appearing for the State/non-applicant opposes the bail application and submits that the contraband article, i.e., 13 litres of Triprolidine Hydrochloride and

Codeine Phosphate syrup, was seized from the joint possession of the co-accused persons, whose disclosure implicating the present applicant clearly indicates his active involvement in the illegal transportation of the said contraband. Therefore, the applicant is not entitled to the grant of regular bail.

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

6) It appears that the contraband article, i.e., 13 litres of Triprolidine Hydrochloride and Codeine Phosphate syrup, was recovered from the joint possession of co-accused persons, which is well above the commercial quantity. It is contended by Mr. Sharma that the no recovery of the prohibited syrup was effected from the possession of applicant and he has falsely been implicated in the present case solely on the basis of the memorandum statements of the co-accused persons. However, a careful perusal of the case diary reveals that the co-accused persons stated that they, along with the applicant, were running a syndicate with demarcated roles, wherein the role assigned to the applicant was to collect the contraband from the bus and subsequently hand it over to the other co-accused. Furthermore, there are financial transactions between co-accused Ajay Yadav and the present applicant.

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. Hence, the recovery of commercial quantity of contraband

from the possession of the co-accused persons, who implicated the applicant and detailed his role, *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.

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

Ajinkya