CGHC010373412026 2026:CGHC:45451

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 9063 of 2026

Mukesh Modi S/o Mathura Modi, Aged About 45 Years R/o House No. 25/2 Maitri Nagar, Risali, Police - Station - Newai, Bhilai, District And Tehsil Durg Chhattisgarh

... Applicant(s)

KUNAL DEWANGAN

Digitally signed by KUNAL DEWANGAN

versus

Government Of India Through The N C B Zonal Unit, Distt. Raipur Chhattisgarh

... Non-applicant(s)

For Applicant	:	Mr. Jitendra Gupta, Advocate.
For Non-applicant/State	:	Mr. Ramakant Mishra, Dy. Solicitor General/UOI

Hon'ble Shri Rakesh Mohan Pandey, Judge

Order on Board

28.10.2026

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. 02/2024, registered at Police Station - NCB Zonal Unit, Raipur, District Raipur (C.G.), for the offences punishable under Sections 8/20 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

2. The prosecution story, in brief, is that on 04.09.2024, Inspector Sheikh Abdul Mohsin of the NCB, along with the RPF team, conducted a search of the general and sleeper coaches of Puri-Durg Express (Train No. 18425). During the search, co-accused Saudagar Kumbhar was found in possession of three bags containing 11.640 kilograms of ganja packed in 11 packets wrapped in brown plastic tape, which were seized. During interrogation, co-accused Saudagar Kumbhar allegedly disclosed in his memorandum statement that the contraband had been supplied to him by co-accused Khemraj Mehar and was intended to be delivered to the present applicant, Mukesh Modi, resident of Bhilai. It was further alleged that, on earlier occasions, he had also brought ganja from Titlagarh for delivery to the applicant at the direction of co-accused Khemraj Mehar. Based upon the said allegations, the aforesaid offences were 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 solely on the basis of the memorandum statement of co-accused Saudagar Kumbhar. He would further submit that the contraband weighing 11.640 kilograms was seized from the possession of co-accused Saudagar Kumbhar and the said quantity is less than commercial quantity. He would also submit that co-accused Saudagar Kumbhar has been granted bail by a Co-ordinate Bench of this Court vide order dated 15.01.2025 passed in MCRC No. 366/2025, whereas co-accused Khemraj Mehar has also been granted bail vide order dated 20.12.2024 passed in MCRC No.

8260/2024. Therefore, the applicant, whose case stands on a better footing, is also entitled to bail on the ground of parity. He would further submit that the applicant has two criminal antecedents of a similar nature, out of which he has been acquitted in one case, while the other case of the year 2025 is pending consideration. The applicant is in judicial custody since 24.04.2025, the trial is pending and, out of 12 prosecution witnesses, nine have already been examined. As the conclusion of trial is likely to take some time, he prays for grant of bail to the applicant.

4. On the other hand, learned counsel for the UOI would oppose the prayer for grant of bail and submit that the applicant has two criminal antecedents of a similar nature, out of which one case is still pending, indicating his repeated involvement in similar offences. Therefore, considering the nature of the allegations and the criminal antecedents of the applicant, he is not entitled to be enlarged on bail.

5. I have heard learned counsel appearing for the parties and perused the case diary as well as the material available on record.

6. Having considered the facts and circumstances of the case, nature of allegations against the applicant, the fact that 11.640 kilograms of ganja, being less than commercial quantity, was seized from the possession of co-accused Saudagar Kumbhar, on whose memorandum statement the applicant has allegedly been implicated and further considering that co-accused Saudagar Kumbhar and Khemraj Mehar have already been granted bail by

Co-ordinate Bench of this Court vide orders dated 15.01.2025 and 20.12.2024, respectively, the case of the applicant deserves consideration on the ground of parity. This Court has also taken into consideration the criminal antecedents of the applicant, including the fact that he has been acquitted in one case and another case of a similar nature is pending, as well as the fact that the applicant is in jail since 24.04.2025 and nine out of 12 prosecution witnesses have already been examined. Thus, without further commenting upon the merits of the case, this Court is 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