CGHC010374152026 2026:CGHC:43841

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HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 9011 of 2026

Rahul Das S/o Kisto Das Aged About 28 Years R/o Shanti Nagar Frazerpur Rajiv Gandhi Ward Jagdalpur Police Station Bodhghat District Bastar Chhattisgarh. **... Applicant**

versus

State Of Chhattisgarh Through Police Station Bodhghat District Bastar Chhattisgarh. **... Non-Applicant**

For Applicant	**:**	Mr. Manish Nigam, Advocate
For Non-Applicant	**:**	Ms. Laxmeen Kashyap, Panel Lawyer

Hon'ble Shri Justice Rakesh Mohan Pandey

Order on Board

09/10/2026

1. This is the first bail application filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) on behalf of the applicant for grant of regular bail, as he has been arrested in connection with Crime No. 187/2026, registered at Police Station Bodhghat, District Bastar (C.G.), for the alleged commission of offence punishable under Section 21(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (NDPS Act).

2. The case of the prosecution, in brief, is that on 16.05.2026, the police party of Police Station Bodhghat led by Station House Officer/Assistant Sub-Inspector Dinesh Usendi intercepted applicant Rahul Das along with co-accused Karan Yadav. Upon conducting search of the carry bag

in their joint possession, 55 strips of Pyeevon Spas Plus (Tramadol Hydrochloride & Acetaminophen Capsules) were recovered and seized. Each strip contained 8 capsules, totaling 440 capsules, and each capsule weighed 0.67 grams, aggregating to a total weight of 294.8 grams. As per the report of the Drug Inspector, the seized contraband contained *Tramadol*, which is a scheduled psychotropic substance specified at Entry No. 238ZH of the Notification under the NDPS Act, wherein small quantity is prescribed as 5 grams and commercial quantity is prescribed as 250 grams. Consequently, Crime No. 187/2026 under Section 21(c) of the NDPS Act was registered, and the applicant was arrested on 17.05.2026 and remanded to judicial custody.

3. Learned counsel appearing for the applicant submits that the applicant is innocent and has falsely been implicated in the present case. The recovery was allegedly made from a carry bag said to be in joint possession with the co-accused, and there is no cogent evidence to establish conscious or exclusive possession of the contraband on the part of the applicant. The investigation has already been completed and the charge-sheet has been filed before the competent Special Court. The applicant has no previous criminal antecedents of any nature. The applicant is languishing in jail since 17.05.2026, and since the trial is likely to take considerable time to conclude, he may be enlarged on regular bail.

4. On the other hand, learned State counsel vehemently opposes the bail application, submitting that a total quantity of 294.8 grams of Tramadol capsules was recovered from the joint possession of the applicant and the co-accused. Under Entry No. 238ZH of the Schedule to the NDPS Act, any quantity exceeding 250 grams constitutes commercial quantity, and therefore, the seized contraband squarely falls within the commercial bracket. In view of the statutory mandate and the rigours of Section 37 of the NDPS Act, the applicant is not entitled to the grant

of bail, as there are no reasonable grounds to believe that he is not guilty of the offence.

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

6. Taking into consideration the nature and gravity of the offence; the fact that contraband *Tramadol* weighing 294.8 grams has been recovered from the joint possession of the applicant and co-accused, which is well above the threshold of 250 grams and constitutes commercial quantity under Entry No. 238ZH of the NDPS Act; in terms of Section 37(1)(b) of the NDPS Act, in cases involving commercial quantity, bail cannot be granted unless the Court is satisfied that there are reasonable grounds for believing that the accused is not guilty of such offence and that he is not likely to commit any offence while on bail; at this stage, looking to the recovery of 440 capsules containing Tramadol, this Court does not find any reasonable ground to record a satisfaction that the applicant is not guilty of the alleged offence; the mere fact that the applicant has no prior criminal antecedents, that the charge-sheet has been filed, or that he has been in custody since 17.05.2026, does not by itself dilute or override the mandatory statutory bar under Section 37 of the NDPS Act.

7. In view of the explicit bar contained under Section 37 of the NDPS Act and the commercial quantity involved, this Court is of the considered opinion that it is not a fit case to enlarge the applicant on regular bail. Accordingly, the First Bail Application filed on behalf of applicant under Section 483 of the BNSS is hereby **rejected**.

Sd/-

Rakesh Mohan Pandey
JUDGE

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