



CGHC010375492026 2026:CGHC:43827

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 9000 of 2026

Pibana Harijan S/o Rapunga Harijan Aged About 38 Years R/o Village Bireepod, P.S. M. Rampur, District Kalihandi, Odisha. **... Applicant**

versus

State Of Chhattisgarh Through Station House Oficer, Police Station Pendra District Gourella-Pendra-Marwahi, Chhattisgarh. **... Non-Applicant**

For Applicant	**:**	Mr. Banhiman Roy, Advocate
For Non-Applicant	**:**	Mr. Sourabh Sahu, Panel Lawyer

Hon'ble Shri Justice Rakesh Mohan Pandey

Order on Board

09/10/2026

1. Earlier, four bail applications preferred on behalf of the applicant have already been rejected on merits.

2. The applicant has preferred this Fifth Bail Application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) for grant of regular bail, as he has been arrested in connection with Crime No. 362/2024, registered at Police Station Pendra, District Gourella-Pendra-Marwahi (C.G.), for the offence punishable under Section 20(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (NDPS Act).

3. The prosecution story, in brief, is that the concerned Police Station Pendra received secret information through an informant that on 25.12.2024, unknown persons had kept illegal contraband *ganja* in their vehicle near Benderchuwa Amau Road Tiraha. Upon receipt of such information, the police team reached the spot and seized 2.072 kg of contraband ganja from the place of incident at an open place. As a result thereof, the police registered the offence punishable under Section 20(b) of the NDPS Act against other accused persons, and subsequently, on the basis of the memorandum statement of the co-accused, the present applicant was arrested.

4. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case and the alleged contraband article was not seized from the exclusive possession of the applicant. He further submits that from the possession of the co-accused, only an intermediate quantity of the psychotropic substance *ganja* has been seized; therefore, it does not attract the rigours of Section 37 of the NDPS Act, as the commercial quantity prescribed under the Schedule is more than 20 kg, whereas only 2.072 kg of contraband *ganja* has been recovered. He further submits that the applicant had no knowledge about the seized contraband as he was neither present at the spot at the time of the incident nor is he the owner of the alleged vehicle, and he has been roped in merely on suspicion. It is further contended that main accused Ajay Kumar Prajapati is a habitual offender having nine criminal cases registered against him, and solely on his memorandum statement, the applicant has been implicated without sufficient corroborative material. Lastly, he submits that the applicant is in jail since 17.02.2025, and the conclusion of the trial is likely to take quite a long time; therefore, he prays for the grant of regular bail to the applicant.

5. On the other hand, learned State counsel vehemently opposes the bail application and submits that earlier four successive bail applications of the applicant have been dismissed on merits. It is further submitted that the charge-sheet has already been filed before the competent court and the applicant has one live criminal antecedent. The applicant is a resident of the State of Odisha, and looking to the nature of the offence and his repeated indulgence in contraband trafficking, he is not entitled to the grant of bail.

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

7. Considering the facts and circumstances of the case, the nature and gravity of the offence levelled against the applicant, the fact that four earlier bail applications of the applicant have already been rejected on merits, and there is no substantial change in circumstances; further considering that the charge-sheet has been filed, and though 2.072 kg of *ganja* was recovered and the applicant was implicated on the basis of the memorandum statement of the co-accused, the applicant has a live criminal antecedent; so far as the claim of parity with co-accused is concerned, who have been enlarged on bail, they have been enlarged on bail on the ground that they have no criminal antecedents; thus, no parity can be extended to him. Accordingly, the Fifth Bail Application is hereby **rejected**.

Sd/-

Rakesh Mohan Pandey

JUDGE

Nadim