CGHC010376602026 2026:CGHC:43828

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 8995 of 2026

Ku. Sikta Nayak D/o Brindavan Nayak Aged About 26 Years Resident Of Village - Ulba, Near Government School, Police Station - Patnagarh, District - Balangir (Odisha). **... Applicant**

versus

State Of Chhattisgarh Through Police Station - Newai, District - Durg (C.G.)

... Non-Applicant

For Applicant	**:**	Mr. Dhirendra Prasad Mishra, Advocate
For Non-Applicant	**:**	Ms. Monika Thakur, 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, who has been arrested in connection with Crime No. 543/2026, registered at Police Station Newai, District Durg (C.G.), for the alleged commission of offence punishable under Section 20(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (NDPS Act).
2. The case of the prosecution, in brief, is that on 13.08.2026, upon receipt of secret, the police team of Police Station Newai conducted a search at the designated location. During the raid, contraband *Ganja* weighing a

total of 4.850 kg was recovered and seized from the joint possession of accused persons.

3. Learned counsel appearing for the applicant submits that the applicant has falsely been implicated in the present case. The total quantity of contraband allegedly seized is 4.850 kg Ganja, which was recovered from the joint possession of five other accused persons. The quantity seized is well below the statutory commercial quantity of 20 kg, falling within the bracket of intermediate quantity, therefore, the rigorous bar under Section 37 of the NDPS Act is not attracted in the present case. He submits that charge-sheet has been filed before the competent court; the applicant has no criminal antecedents; the applicant is in continuous judicial custody since 13.08.2026, and since the trial is likely to consume substantial time, she may be enlarged on regular bail.
4. On the other hand, learned State counsel vehemently opposes the bail application and submitted that the applicant was actively involved in the illicit trade of psychotropic narcotic substances and was apprehended along with co-accused persons in joint possession of 4.850 kg of Ganja. However, on instructions from the case diary, the State counsel stated that the seized quantity is intermediate, the charge-sheet has already been filed, and there are no previous criminal antecedents reported against the applicant.
5. Heard learned counsel appearing for the respective parties and perused the case diary with utmost circumspection.
6. Taking into consideration the nature and gravity of the accusation; the fact that the total recovered quantity is 4.850 kg Ganja, which was recovered from the joint possession of five accused persons and is intermediate quantity, thus the stringent rigours of Section 37 of the NDPS Act has not attracted in this case; further the applicant has no criminal antecedents; the charge-sheet has already been filed; the applicant is in jail since 13.08.2026; and the fact that conclusion of the

trial is likely to take considerable time, this Court, without expressing any opinion on the merits of the case, is of the view that it is a fit case to release the applicant on regular bail. Accordingly, the bail application filed under Section 483 of the BNSS is **allowed**.

7. 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, she shall be released on bail, on following conditions :-

   (i) she 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) she shall not act in any manner which will be prejudicial to fair and expeditious trial, and

   (iii) she shall appear before the trial Court on each and every date given to her by the said Court till disposal of the trial.

8. The observation made hereinabove is for the purpose of deciding this bail application only, the trial Court shall decide the case on its own merits.

Sd/-

Rakesh Mohan Pandey

JUDGE

Nadim