CGHC010377452026 2026:CGHC:43373

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 9458 of 2026

Farooq Ansari S/o Late Ali Hasan Aged About 33 Years R/o Ward No. 08, Dhobi, Tehsil- Ramanujganj District- Balrampur Ramanujganj (Chhattisgarh) (As Per Correct Details), District : Balrampur, Chhattisgarh.

... Applicant

versus

State of Chhattisgarh Through The Station House Officer, Police Station Gandhinagar, District : Surguja (Ambikapur), Chhattisgarh.

... Non-Applicant

For Applicant	**:**	Mr. Adarsh Tiwari, Advocate
For Non-Applicant	**:**	Mr. Sourabh Sahu, Panel Lawyer

Hon'ble Shri Justice Rakesh Mohan Pandey

Order on Board

07/10/2026

1. This is the second bail application filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to the applicant, who is in custody in connection with Crime No. 515/2025 registered at Police Station Gandhinagar, District Sarguja (C.G.) for the offence punishable under Section 22(C) of the Narcotic Drugs and Psychotropic Substances Act, 1985.
2. The first bail application of the applicant was rejected on merits by this Court vide order dated 19.02.2026 passed in MCRC No. 1766 of 2026.
3. Case of the prosecution, in brief, is that on 02.09.2025, upon receiving secret information, police intercepted co-accused Shubham Vishwas, who was travelling on a Honda SP motorcycle bearing registration No.

CG-30-F-3359. During the search, from a bag hanging on the handle of the motorcycle, 28 ampoules of Rexogesic (Buprenorphine Injection IP 2 ml each, total 56 ml) and 28 vials of Avil (Pheniramine Maleate Injection IP 10 ml each, total 280 ml) were recovered and seized. On being interrogated, co-accused Shubham Vishwas disclosed that he had procured the contraband from co-accused Farooq Ansari, who in turn disclosed in his memorandum statement that the seized psychotropic injections were purchased from the present applicant/accused, Tasavur Ansari, leading to his arrest on 03.09.2025.

4. Learned counsel for the applicant submits that the applicant is innocent and has falsely been implicated in the case. No illicit substance was recovered from his conscious possession, and he has been roped in this case solely on the basis of memorandum statements of the co-accused. It is further submitted that subsequent to the rejection of the earlier bail application, three prosecution witnesses have already been examined before the trial Court and none of them have supported the prosecution case; therefore, there is a material change in circumstance, and considering the applicant's detention since 03.09.2025, he may be enlarged on regular bail.

5. On the other hand, learned State counsel vehemently opposes the bail application, submitting that the contraband seized in the present crime is a psychotropic substance (Buprenorphine) falling under commercial quantity, thereby attracting the strict statutory bar under Section 37 of the NDPS Act. It is further submitted that the applicant's earlier bail application was rejected on merits, and merely because certain witnesses have turned hostile or have not supported the prosecution version during trial, the same cannot constitute a substantial change in circumstances to bypass the rigours of Section 37 of the Act, as conducting a mini-trial at this stage is impermissible.

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

7. Admittedly, the first bail application of the applicant was considered and rejected on merits vide order dated 19.02.2026 in MCRC No. 1766 of 2026. The seized contraband involves Buprenorphine injections, which fall under the category of commercial quantity, and consequently, the twin conditions and rigours stipulated under Section 37 of the NDPS Act are squarely applicable.
8. So far as the contention that three prosecution witnesses have been examined and have turned hostile the prosecution case is concerned, it is well settled law that appreciation of evidence and conducting a mini-trial at the stage of considering a bail application is not permissible. The evidentiary value, credibility, and impact of the statements of such witnesses are matters to be tested and adjudicated by the learned trial Court upon completion of evidence; thus, examination of these witnesses does not constitute any substantial or material change in circumstance to persuade this Court to take a different view from the one taken while rejecting the earlier bail application.
9. In view of the commercial quantity of the contraband involved, the statutory bar under Section 37 of the NDPS Act, and in absence of any substantial change in circumstances, this Court does not find it to be a fit case to enlarge the applicant on regular bail.
10. Accordingly, the second bail application filed under Section 483 of the BNSS is **rejected**.
11. However, the trial Court concerned is directed to expedite the proceedings and make earnest endeavours to conclude the trial as expeditiously as possible, without being influenced by any observation made in this order.

Sd/-

Rakesh Mohan Pandey

JUDGE

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