CGHC010377462026 2026:CGHC:45522

**NAFR**

**HIGH COURT OF CHHATTISGARH AT BILASPUR**

**MCRC No. 9436 of 2026**

**1 -** Shriniwas Dhurva S/o Sambaru Dhurva, Aged About 27 Years R/o Gandhipali, Police Station And District Malkangiri (Orissa).

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**2 -** Jagbandhu Bate @ Amit S/o Laxman Bate Aged About 25 Years R/o Muttebeda, , Police Station And District Malkangiri (Orissa). **... Applicants**

**versus**

The State Of Chhattisgarh Through The Station House Officer, Police Station Devendra Nagar, Raipur, District Raipur Chhattisgarh. **... Non-Applicant**

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| **For Applicants** | **:** | Mr. Rajkumar Pali, Advocate |
| **For Non-Applicant** | **:** | Ms. Ritika Verma, Panel Lawyer |

**Hon'ble Shri Justice Rakesh Mohan Pandey**

**Order on Board**

**28/10/2026**

**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 applicants, who are in custody in connection with Crime No. 15/2021 registered at Police Station Devendra Nagar, Raipur, District Raipur (C.G.), for the offence punishable under Section 20(b)(ii)(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

**2.** Earlier, the applicants had preferred separate first bail applications, registered as M.Cr.C. No. 2078 of 2021 and M.Cr.C. No. 5998 of 2021, which were allowed by this Court vide orders dated 23.06.2021 and 09.09.2021, respectively.

**3.** As per the prosecution case, on 22.01.2021, acting upon secret information, the police intercepted the applicants and allegedly recovered 9.4 kg of contraband Ganja from the possession of applicant No. 1 and 14 kg of contraband Ganja from the possession of applicant No. 2. After being enlarged on regular bail by this Court, the applicants were regularly appearing before the learned trial Court; however, on 11.03.2025, neither the applicants nor their counsel appeared before the trial Court. Consequently, the trial Court issued non-bailable warrants against them, pursuant to which they were arrested on 29.05.2026.

**4.** Learned counsel for the applicants submits that this is a case of bail jumping which occurred solely due to a bona fide mistake, as the previous counsel engaged before the trial Court failed to communicate the next date of hearing (11.03.2025) to the applicants, and their non-appearance was neither deliberate nor intentional. He further submits that the seizure and memorandum witnesses have already been examined before the trial Court and have turned hostile. It is also contended that out of 10 prosecution witnesses, only 5 witnesses have been examined so far and the trial is likely to take considerable time for its conclusion. The applicants have no other criminal antecedents, they are in jail since 29.05.2026, and they undertake to remain present on each and every date fixed by the trial Court; hence, they may be enlarged on bail.

**5.** On the other hand, learned State counsel opposes the bail application and submits that the applicants misused the liberty of bail granted to them by failing to appear before the trial Court, which delayed the trial proceedings, and therefore, they are not entitled to be released on bail. However, she does not dispute the fact that the applicants were previously granted regular bail by this Court and that they have no other criminal antecedents.

**6.** Heard learned counsel for the parties and perused the case diary.

**7.** Taking into consideration the facts and circumstances of the case, particularly considering the fact that the applicants were earlier enlarged on regular bail by this Court vide orders dated 23.06.2021 and 09.09.2021 passed in M.Cr.C. No. 2078 of 2021 and M.Cr.C. No. 5998 of 2021; on 11.03.2025, neither the applicants nor their counsel could appear before the learned trial Court, on account of which non-bailable warrants were issued against them; the applicants are in jail since 29.05.2026; they have no previous criminal antecedents; and the conclusion of the trial is likely to take some time, without expressing any opinion on the merits of the case, this Court is inclined to release the applicants on regular bail. Accordingly, the bail application is **allowed**.

**8.** It is directed that in the event of the applicants executing their personal bond for a sum of Rs.50,000/- each with one surety in the like sum to the satisfaction of the concerned trial Court, they shall be released on bail on the following conditions:-

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

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

**Sd/-**

**Rakesh Mohan Pandey**
**JUDGE**

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