CGHC010377542026 2026:CGHC:44217

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 9108 of 2026

1 - Smt. Pooja Devi Sonkar W/o Shambhu Sonkar Aged About 40 Years R/o Village Chakra, Police Station Rajgarh, District Gorakhpur, Uttar Pradesh **... Applicant(s)**

versus

1 - State Of Chhattisgarh Through Police Station Tikrapara, District Raipur, Chhattisgarh. **…. Non-Applicant**

For Applicant	**:**	Mr. Anshul Tiwari, Advocate
For Non-Applicant /State	**:**	Mr. Vivek Sharma, P.L.

Hon'ble Shri Justice Rakesh Mohan Pandey

Order on Board

13/10/2026

1. This application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 has been filed by the applicant for grant of regular bail, who has been arrested in connection with Crime No. 501/2026 registered at Police Station Tikrapara, Raipur (C.G.) for offences punishable under Sections 20(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, NDPS Act).

2. The prosecution story in brief, is that Police Station concerned received secret information from the informant and on the basis of said information, a raid was conducted wherein 16.434 kgs Ganja was recovered from the possession of the present applicant. Thereafter, the crime has been registered against the applicant.

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3. Learned counsel for the applicant submits that the applicant is innocent and he has falsely been implicated in this case and she is lady. He further submits that the applicant has 6 criminal antecedents and the same has been duly explained in Part-D (Criminal Antecedents) of the present bail application. He also submits that charge-sheet has been filed before the competent Court and the applicant is in jail since 06.06.2026 and the trial is likely to take some time for its conclusion, therefore, he prays for grant of bail.

4. On the other hand, learned State Counsel opposes the bail application and submits that, in the present case, the charge-sheet has been filed before the competent Court and 16.434 kg of ganja was seized from the possession of the present applicant. He further submits that the applicant has six criminal antecedents, out of which five are under the Excise Act and one is under the Gangsters and Anti-Social Activities (Prevention) Act, which indicates that she is a habitual offender. Hence, he prays for rejection of the bail application.

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

6. In the present bail application, the applicant has disclosed six criminal antecedents, all of which are pending before the Trial Court. The details of the criminal antecedents are as follows:

S. No.	Crime No. and Year	Police Station	Offences	Status
1.	724/2020	Rajghat, Gorakhpur	Sections 272 IPC and 60 of the Uttar Pradesh Excise Act	Pending before the

S. No.	Crime No. and Year	Police Station	Offences	Status
		(U.P.)		Trial Court
2.	284/2021	Rajghat, Gorakhpur (U.P.)	Section 60 of the Uttar Pradesh Excise Act	Pending before the Trial Court
3.	66/2021	Rajghat, Gorakhpur (U.P.)	Section 60 of the Uttar Pradesh Excise Act	Pending before the Trial Court
4.	247/2022	Rajghat, Gorakhpur (U.P.)	Section 60 of the Uttar Pradesh Excise Act	Charge-sheet has not been filed
5.	484/2023	Rajghat, Gorakhpur (U.P.)	Sections 60 of the Uttar Pradesh Excise Act, 272 IPC and 21 of the NDPS Act	Pending before the Trial Court
6.	92/2025	Rajghat, Gorakhpur (U.P.)	Sections 2(b)(i), 2(b)(iii), 2(b)(xi) and 3(1) of the Uttar Pradesh Gangsters and Anti-Social Activities (Prevention) Act	Pending before the trial Court

7. Nonetheless, the primary objectives of examining an accused person's criminal antecedents during bail proceedings are:

- To assess the likelihood of compliance with bail conditions and ensure the accused will not flee or jump bail;
- To determine whether there is a habitual pattern of committing similar or grave offenses; and
- To evaluate the risk of evidence tampering, obstruction of the ongoing investigation, or witness intimidation.

The existence of six pending criminal antecedents indicates a persistent pattern of offending and raises a serious apprehension that the applicant may repeat similar offences if enlarged on bail.

8. Also in light of the judgment rendered by the Supreme Court in ***Deepak Yadav v. State of Uttar Pradesh & Another***, reported in **(2022) 8 SCC 559**, wherein the Hon'ble Supreme Court had

cancelled the bail granted to the accused therein on the ground that the accused had previous antecedents, this Court is not inclined to extend the benefit of bail to the applicant. Accordingly, the instant bail applications are **rejected**.

Sd/-

Rakesh Mohan Pandey
JUDGE

Jyoti