CGHC010380692026 2026:CGHC:46322

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 9540 of 2026

Milan @ Raj Kishor Behera S/o Satish Behera, Aged About 31 Years R/o Infornt Of Primary School Mundasahi - Police Station, P O - Baliguda, District Kandhamalo (Old Name Phulbani), State - Odisha (Proper Name Address)

... Applicant

versus

State Of Chhattisgarh Through The Police Station Civil Lines, District Raipur C.G.

... Respondent(s)

For Applicant	**:**	Shri Karan Kumar Baharani, Advocate
For Respondent(s)	**:**	Shri Sourabh Sahu, Panel Lawyer

Hon'ble Shri Justice Rakesh Mohan Pandey

Order on Board

02/11/2026

1. This is the first bail application filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to the applicant who has been arrested in connection with Crime No. 88/2026 registered at Police Station Civil Lines, District Raipur (C.G.) for the offence punishable under Sections 20(C), 29 and 27(A) of NDPS Act and 111 of BNS, 2023. The applicant is in custody since 22.02.2026.

2. The prosecution case, in brief, is that on 14.02.2026, acting upon secret informant information that the police party conducted a raid on the spot and in the search, contraband Ganja weighing 50.940 kg was seized from the possession of the present applicant and co-accused. Consequently, FIR was registered, and the applicant was taken into custody on 22.02.2026.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. It is argued that the applicant has been in jail since 22.02.2026. he has been implicated on the basis of memorandum statement of co-accused person. It is further submitted that the investigation has been completed, the charge-sheet has already been filed. The applicant is ready to abide by all stringent terms and conditions that may be imposed by this Court, and there is no likelihood of absconding or tampering with evidence; thus, the applicant may be enlarged on regular bail.

4. On the other hand, learned counsel appearing for the State/non-applicant would oppose the bail application and submit that the bar under Section 37 of the NDPS Act is attracted, as the contraband article, i.e. 50.940 kg is much above the commercial quantity. Hence, the bail application is liable to be dismissed.

5. I have heard learned counsel for the parties and perused the material available on record.

6. It appears that the contraband article, i.e., 50.940 kg of Ganja, was recovered from the dickey of the car bearing registration no. MH-01/BU-9616, in which the co-accused persons were found sitting. It is contended by learned counsel for the applicant that no recovery of the contraband article was recovered from the possession of the present applicant and that he has been falsely implicated in the present case solely on the basis of the memorandum statement of the co-accused persons. However, sight cannot be lost of the fact that the contraband article was recovered from the vehicle allegedly in the joint possession of the co-accused persons, and the quantity seized is much above the commercial quantity.

7. It is a well-settled principle of law that while considering bail, the court's role is confined to verifying the existence of a *prima facie* case and the recovery of contraband article from the possession of present applicant indicates his *prima facie* involvement in the illegal transit of ganja, therefore, the rigour of Section 37 of the NDPS Act would squarely apply to the present case.

8. In view of the aforesaid discussion, I am not inclined to allow this application. Accordingly, the instant bail application is **rejected**.

SD/-

(Rakesh Mohan Pandey)
JUDGE

Madhurima