CGHC010381082026 2026:CGHC:44219

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 9105 of 2026

1 - Rajendra Kumar Diwakar S/o Late Ramgopal Diwakar Aged About 37 Years R/o Semipali Police Station Urga, District Korba Chhattisgarh.

...Applicant(s)

versus

1 - State Of Chhattisgarh Through- Station House Officer Police Station Sariya District Sarangarh, Bilaigarh, Chhattisgarh. **…. Non-Applicant**

For Applicant	**:**	Mr. Goutam Khetrapal Advocate
For Non-Applicant /State	**:**	Ms. Smriti Shrivastava, 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. 66/2026 registered at Police Station Sariya District Sarangarh – Bilaigarh (C.G.) for offences punishable under Sections 20(b)(ii)(C) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, NDPS Act).

2. The case of the prosecution, in brief, is that on 30.03.2026, the police of Police Station Sariya received secret information from an informant regarding the transportation of cannabis in a Venue car bearing registration No. CG-12-BV-2342 from the State of Odisha to Sariya via

Kanchanpur Road towards Korba. On the basis of the said information, the police personnel summoned witnesses and conducted a raid. During the raid, they intercepted two cars, namely, a Creta car bearing registration No. CG-12-BP-5679, driven by Pritam Chelkar, in which the present applicant, Rajendra Kumar Diwakar, was sitting in the front passenger seat, and a Venue car bearing registration No. CG-12-BV-2342, driven by Ramesh Sidar @ Sonu. Upon search of the Venue car, 70 packets of cannabis, weighing a total of 72.915 kg, were recovered. Consequently, FIR was registered, and the applicant was taken into custody on 30.03.2026.

3. Learned counsel for the applicant submits that 72.915 kg of contraband was seized from a Venue car bearing registration No. CG-12-BV-2342, which was being driven by Ramesh Sidar, whereas the present applicant was travelling in a Creta car bearing registration No. CG-12-BP-5679. He contends that both vehicles were intercepted by the police and the contraband was seized from the Venue car, and there is no material against the present applicant to attract the offence under Section 20(b)(ii)(B) of the NDPS Act. He further submits that the applicant has no criminal antecedents and has been in jail since 30.03.2026. The investigation has been completed and the charge-sheet has already been filed. The applicant is ready to abide by any stringent terms and conditions that may be imposed by this Court, and there is no likelihood of his absconding or tampering with the evidence. He, therefore, prays for grant of regular bail to the applicant.

4. On the other hand, learned State Counsel would oppose the bail application and submit that, although the applicant was travelling in a

different car, he was an occupant of the car involved in the illegal transportation of ganja. She further submits that, on the basis of secret information, the police intercepted both cars and seized 72.915 kg of contraband. She also contends that co-accused Ramesh Sidar, in his memorandum statement, categorically stated that the applicant was involved in the illegal transportation of ganja. The bar under Section 37 of the NDPS Act is attracted, as the seized contraband, weighing 72.915 kg, is much above the commercial quantity. Hence, the bail application is liable to be dismissed.

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

6. It appears that the contraband article, i.e., 72.915 kg of Ganja, was recovered from the Venue car bearing registration No. CG-12-BV-2342, which was being driven by co-accused Ramesh Sidar @ Sonu. It is contended by learned counsel for the applicant that no recovery of the contraband article was effected from the possession of the applicant, as he was travelling in a separate Creta car bearing registration No. CG-12-BP-5679, and that he has been falsely implicated in the present case. However, a careful perusal of the case diary reveals that the co-accused Ramesh Sidar, in his memorandum statement, has stated that the present applicant was involved in the illegal transportation of Ganja. However, sight cannot be lost of the fact that both vehicles were intercepted by the police on the basis of secret information regarding the illegal transportation of Ganja, and 72.915 kg of Ganja, much above the commercial quantity, was recovered from one of the

vehicles, while the co-accused has also stated about the applicant's involvement in the illegal transportation of Ganja.

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 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

Jyoti