CGHC010381162026 2026:CGHC:46478

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 9609 of 2026

Shiba Bindhani So Late Goutam Bindhani, Aged About 38 Years R/o Village Dungeri, P. O. Parampanga, P. S. Baliguda, District Kandamal, Odhisa.

--- **Applicants**

versus

State of Chhattisgarh through the Police Station Basna, District Mahasamund C.G. --- **Non-applicant**

with

MCRC No. 9990 of 2026

Guddu @ Rammilan Tiwari S/o Rajan Tiwari Aged About 40 Years R/o Muratganj District Kaushambi, Prayagraj (Up). --- **applicants**

Versus

State of Chhattisgarh, through Arakshi Kendra Basna, District - Mahasamund, Chhattisgarh. --- **Non-applicants**

For Respective applicants(s)	**:**	Mr. Abhishek Nirala, Advocate holding the brief of Mr. Karan Kumar Baharani, Advocate Mr. Ankur Diwan, Advocate
For Non-applicants/State	**:**	Mr. Sourabh Sahu, Panel Lawyer

Hon'ble Shri Justice Rakesh Mohan Pandey

Order on Board

03/11/2026

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 applicants(s) in connection with Crime No. 38/2026, registered at Police Station Basna, District Mahasamund (C.G.) for offences punishable under Section 20(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (NDPS Act) and Sections 336(3) and 340(2) of the Bharatiya Nyaya Sanhita, 2023.

2. Prosecution story, in brief, is that on 18.01.2026, during the course of vehicular checking at Palsapali Barrier, police personnel intercepted a motorcycle bearing registration No. CG-04-PN-1215 and recovered 21.620 kg of contraband (Ganja) from the possession of co-accused Uttamdas, who was arrested on the spot. During interrogation, co-accused Uttamdas recorded a memorandum statement disclosing the involvement and conspiracy of the present applicants(s) in the procurement, transportation, and forgery related to the contraband network. Acting upon the memorandum statement and corroborative material, the applicants was arrested and a mobile handset used in communication was seized.

3. Learned counsel appearing for the applicants submits that the applicants are innocent, have falsely been implicated in this case. They were not directly involved in the commission of offence and on the strength of memorandum statement of co-accused Uttamdas they have been roped in this case. The investigation is complete, the charge-sheet has already been filed before the competent court, and the applicants are in custody since 20.01.2026 & 20.09.2026, respectively; thus, the applicants may be enlarged on regular bail.

4. On the other hand, learned State counsel strongly opposes the bail application and submitted that a commercial quantity of contraband, i.e., 21.620 kg of Ganja (exceeding the commercial threshold of 20 kg), was seized in the instant case. The applicants played active role in the illicit trade and transit of psychotropic substances across state borders.

Scrutiny of the seized mobile phone and call detail records establishes active link, nexus, and continuous contact between the applicants and the co-accused prior to and during the transit of the contraband. In view of the commercial quantity involved, the statutory rigours of Section 37 of the NDPS Act are directly attracted. The applicant No.1 belongs to State of Odisha & applicant No.2 belongs to state of Uttar-Pradesh, and if released on bail, there is a strong apprehension of flight risk and tampering with prosecution evidence; thus, the bail applications may be rejected.

5. Heard learned counsel for both parties and perused the case diary.

6. Taking into consideration the nature and gravity of the offence, which pertains to the illicit trafficking and transportation of 21.620 kg of Ganja, which falls squarely within the category of commercial quantity under the NDPS Act; the statutory mandate and strict embargo embedded under Section 37 of the NDPS Act, requiring the Court to be satisfied that there are reasonable grounds for believing that the accused is not guilty of such offence and is not likely to commit any offence if enlarged on bail; the material collected by the investigating agency indicating active conspiracy, communication links, and nexus between the applicants and the co-accused from whom the contraband was seized; the fact that illicit drug trafficking creates deep socio-economic hazards, and mere non-recovery of the contraband directly from physical possession does not dilute complicity where prima facie evidence of criminal conspiracy under the special statute exists; this Court does not find any reasonable ground to grant bail to the applicants. Consequently, the bail applications filed by the applicants are hereby **rejected**. Sd/-

Rakesh Mohan Pandey

JUDGE

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