CGHC010382622026 2026:CGHC:46709

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 9613 of 2026

Prakash Agrawal @ Munna S/o Ramnath Agrawal Aged About 37 Years R/o Village Kanika (Bazar Para), P.S. Himgir, Distt. Sundargarh, Odisha, Pin 770075.

... Applicant

versus

State of Chhattisgarh Through The Station House Officer, Government Railway Police (Grp) Station Raigarh, Distt. Raigarh, Chhattisgarh.

... Non-Applicant

For Applicant	**:**	Mr. Hari Agrawal, Advocate with Ms. Pragati Jaiswal, Advocate
For Non-Applicant/State	**:**	Ms. Ritika Verma, Panel Lawyer

Hon'ble Shri Justice Rakesh Mohan Pandey

Order on Board

04/11/2026

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. 24/2026, registered at Police Station GRP, Raigarh, District Raigarh (C.G.), for the offences punishable under Sections 20(b) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

2. As per the prosecution case, on 23.07.2026, upon receiving secret information, the Government Railway Police (GRP) intercepted co-accused Sheikh Sakilabi Salam traveling on Train No. 12834 (Howrah-

Ahmedabad Express). In the presence of witnesses, six packets containing a total of 6.290 kg of contraband *ganja* along with an Itel keypad mobile phone were seized from a blue bag in the possession of the co-accused. In the memorandum statement, it was disclosed that the contraband was procured from one Munna/present applicant at Belpahar (Odisha) to deliver to Matin in Akola (Maharashtra). During investigation, present applicant has been arrested.

3. Learned counsel for the applicant submits that the applicant is innocent and has falsely been implicated in the case solely on the basis of the memorandum statement of the co-accused and call detail records, without any direct physical recovery of contraband from his exclusive possession. It is further submitted that the quantity seized from the co-accused (6.290 kg Ganja) falls under intermediate quantity, and therefore the stringent bar under Section 37 of the NDPS Act is not attracted. Learned counsel emphasizes that the applicant has only one criminal antecedent in the State of Odisha for offences under Sections 294, 323, 506, and 34 of the Indian Penal Code, and has no criminal history of NDPS cases. The investigation is complete, the charge-sheet has already been filed, and the applicant has been languishing in jail since 06.09.2026. As the trial is likely to take considerable time to conclude, he prays that the applicant may be enlarged on bail.

4. On the other hand, learned counsel appearing for the State opposes the bail application and submitted that the applicant was actively involved in a narcotics supply syndicate as corroborated by CDR analysis and mutual communications with the carrier. However, she does not dispute that no contraband was physically recovered from the direct possession of the present applicant, that the recovered quantity from the co-accused is intermediate, and that the charge-sheet has already been submitted before the competent court.

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

6. Taking into consideration the facts and circumstances of the case, the applicant has no previous criminal antecedents under the NDPS Act; and the investigation has concluded, the charge-sheet has been filed, and the applicant has undergone pre-trial incarceration since 06.09.2026; alleged contraband was seized from the co-accused Sheikh Sakilabi Salam and on the basis of her memorandum statement, present applicant has been implicated in the present case; further the seized contraband Ganja is 6.290 kg, which constitutes intermediate quantity, thus, the rigorous bar under Section 37 of the NDPS Act is not attracted; this Court is inclined to release the applicant on regular bail. Accordingly, the application is **allowed**.

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

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

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

8. The observation made hereinabove is for the purpose of deciding this bail application only, the trial Court shall decide the case on its own merits.

Sd/-

Rakesh Mohan Pandey
JUDGE

Nadim