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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 9454 of 2026

- Sajid Ali S/o Nisar Ahmed Ansari Aged About 45 Years R/o Lotus Colony, Plot No. 08, Durga Sewa Sangh, Shivaji Nagar, Govandi (Maharashtra)

... Applicant

versus

- State Of Chhattisgarh Through Police Station - Mohannagar, District - Durg (C.G.)

...Non-applicant

For Applicant	:	Mr. Dhirendra Prasad Mishra, Advocate
For Non-applicant	:	Ms. Ankita Shukla, P.L.

Hon'ble Shri Justice Rakesh Mohan Pandey

Order On Board

28.10.2026

1) The applicant has preferred this First Bail Application under Section 483 of Bhartiya Nagrik Suraksha Sanhita, 2023 for grant of regular bail, as he has been arrested in connection with Crime No. 468/2025, registered at Police Station : Mohan Nagar, District : Durg (C.G.) for the offence punishable under Section 20(b) of NDPS Act.

2) The case of the prosecution, in brief, is that on 11.09.2025, acting on information provided by an informant, the police authorities apprehended the applicant and co-accused Mohd. Shakeel Qureshi and seized 22 kg of ganja. Thereafter, the police registered the afore-stated offence and arrested the applicant.

3) The learned counsel for the applicant submits that the applicant is innocent and the afore-stated contraband article has not been seized from the exclusive possession of the applicant. He further submits that co-accused Rahul Tiwari has been enlarged on bail by the Hon'ble Supreme Court in Special Leave to Appeal (Crl.) No. 8296/2026. He also submits that the charge-sheet has been filed in the present case before the competent Court, the applicant has been in jail since 12.09.2025, and the trial is likely to take some time to conclude, therefore, he prays for the grant of bail.

4) On the other hand, learned counsel appearing for the State/non-applicant opposes the bail application and submits that the afore-stated commercial quantity of contraband article was seized from the joint possession of the applicant and co-accused Mohd. Shakeel Qureshi, hence, he is not entitled to the grant of bail.

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

6) It appears that the afore-stated contraband substance, which is well above the commercial quantity, was recovered from the joint

possession of the applicant and co-accused Mohd. Shakeel Qureshi. In this bail application, applicant has taken the plea of parity stating that co-accused Rahul Tiwari has been enlarged on bail by the Hon'ble Supreme Court in Special Leave to Appeal (Crl.) No. 8296/2026.

7) However, it is worth mentioning that while granting bail to co-accused Rahul Tiwari, the Hon'ble Supreme Court took note of the fact that no recovery was effected from him and he was arraigned as an accused only on the basis of the statement of the present applicant. Therefore, in view of the aforesaid discussion, the ground of parity is not available to the present applicant.

8) 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 commercial quantity of contraband article from the joint possession of applicant and co-accused Mohd. Shakeel Qureshi 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.

9) Accordingly, the instant bail application is **rejected**.

Sd/-
(Rakesh Mohan Pandey)
JUDGE

Ajinkya