CGHC010385352026 2026:CGHC:46298

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 9457 of 2026

Naresh Sahu S/o Satyanarayan Sahu Aged About 32 Years R/o Village Mohapali (Katangpali) P.S. Sariya Distt. Sarangarh-Bilaigarh Chhattisgarh

... Applicant

versus

State Of Chhattisgarh Through P.S. Sariya Distt. Sarangarh-Bilaigarh Chhattisgarh

... Respondent(s)

For Applicant	**:**	Shri Krishna Tandon, Advocate
For Respondent(s)	**:**	Shri Vivek Sharma, 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. 0157/2026 registered at Police Station Sariya, District Sarangarh-Bilaigarh (C.G.) for the offence punishable under Sections 21 and 29 of NDPS Act. The applicant is in custody since 24.07.2026.

2. The prosecution case, in brief, is that on 23.07.2026, during patrolling near FCI Godown Village Deogaon, one bike bearing vehicle no. OD 17 F 6421 is in speed coming from opposite side, thereafter on raid the seized the contraband article from a black colour bag the seized Codin syrup weighed 10.3 kgs from the co-accused Ram Kumar Sahu and Ganesh Patel. On the basis of memorandum of co-accused present applicant was made an accused in Crime No. 157/2026 was registered under Section 21(B) and 29 of the NDPS Act.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. The applicant has not played any active role in committing the said offence. Even he has no knowledge about the Narcotics Substance which was seized from the other accused person. The said narcotics substance is not seized from the possession of the applicant. It is argued that the applicant has been arrested only on the basis of memorandum of statement of co-accused and the applicant is in jail since 24.07.2026, 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. 10.3 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., 10.3 kg of Codeine syrup, was recovered from the bag kept on the motorbike FH Delux bearing registration no. OD 17 F 6421. 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