CGHC010386972026

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 9767 of 2026

Devendra Vishwakarma @ Montu S/o Rajesh Vishwakarma, Aged About 31 Years R/o Shankar Nagar Ward No. 11, P.S. Mohan Nagar District Durg C.G.

... Applicant(s)

versus

State Of Chhattisgarh Through Station House Officer, Police Station Mohan Nagar, District Durg C.G.

.. Non-Applicant(s)

For Applicant	:	Ms. Shivali Dubey, Advocate.
For Non-Applicant/State	:	Mr. Akash Agrawal, Panel Lawyer.

Hon'ble Mr. Rakesh Mohan Pandey, Judge

Order on Board

04/11/2026

1. This is the second bail application filed by the applicant, under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, for grant of regular bail, as he has been arrested in connection with Crime No. 222/2025, registered at Police Station Mohan Nagar, District Durg (C.G.), for the offences punishable under Sections 21(B) and 27(A) of the Narcotic Drugs and Psychotropic Substances Act, 1985 and Section 112(2) of the Bharatiya Nyaya Sanhita, 2023.

2. The earlier first bail application of the applicant was rejected by a coordinate Bench of this Court in MCRC No. 756 of 2026 vide order dated 11.02.2026 on the ground of his criminal antecedents under the NDPS Act. Hence, the present second bail application.

3. The prosecution story, in brief, is that on 25.05.2025, acting upon the secret information received from the informant and during investigation, a motorcycle allegedly found in the joint possession of the accused persons was searched and from its dickey, 50 small sky-coloured sachets containing a total quantity of 26 grams of Diacetylmorphine (Brown Sugar) were seized. The accused persons failed to produce any valid documents or authorization for possession of the contraband substance. Further investigation revealed that the mobile numbers of the applicant and other co-accused persons were in contact with each other in connection with the purchase and sale of narcotic substances. After completion of investigation, charge-sheet was prepared and presented before the competent Court.

4. Learned counsel for the applicant would submit that the applicant is innocent and has been falsely implicated in the present case. She would further submit that no sufficient material or evidence is available on record to connect the applicant with the alleged offence, as no contraband substance was recovered from his personal and conscious possession and he has been implicated merely on the basis of the alleged involvement of the other accused persons. Learned counsel would further submit that against the order passed

by a coordinate Bench of this Court rejecting his earlier bail application, the applicant approached the Hon'ble Supreme Court by filing Special Leave to Appeal (Criminal) No. 7757 of 2026, which was dismissed by the Hon'ble Supreme Court vide order dated 04.05.2026 on the ground of his criminal antecedents. She would further submit that, so far as the criminal antecedents of the applicant are concerned, he has three criminal cases registered against him under the NDPS Act, out of which he has been acquitted in two cases and convicted in one case, as disclosed in paragraph 4 of the present bail application. It is further submitted that the applicant is in jail since 25.05.2025 and the conclusion of the trial is likely to take some time. On these grounds, learned counsel prays for grant of bail to the applicant.

5. On the other hand, learned State counsel would oppose the prayer for grant of bail and submit that the earlier first bail application of the applicant was rejected by a coordinate Bench of this Court, which order was also challenged before the Hon'ble Supreme Court by filing Special Leave to Appeal (Criminal) No. 7757 of 2026, but the Hon'ble Supreme Court dismissed the same vide order dated 04.05.2026, taking into consideration the criminal antecedents of the applicant under the NDPS Act. He would further submit that there is no change in the circumstances since rejection of the earlier bail application and the applicant has criminal antecedents under the NDPS Act. Therefore, the applicant is not entitled to be released on bail.

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

7. Having considered the facts and circumstances of the case, nature and gravity of offence alleged against the applicant and particularly the fact that the earlier first bail application of the applicant was rejected by a coordinate Bench of this Court in MCRC No. 756 of 2026 vide order dated 11.02.2026 on the ground of his criminal antecedents under the NDPS Act, against the said order, the applicant preferred Special Leave to Appeal (Criminal) No. 7757 of 2026 before the Hon'ble Supreme Court, which was also dismissed vide order dated 04.05.2026, taking into consideration the criminal antecedents of the applicant under the NDPS Act and further considering that no substantial change in circumstances has been brought to the notice of this Court warranting reconsideration of the prayer for grant of bail, thus I am not inclined to grant bail to the applicant.

8. Accordingly, the present second bail application is hereby **dismissed**.

Sd/-
(Rakesh Mohan Pandey)
Judge

Kunal