CGHC010391902026 2026:CGHC:43874

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 9418 of 2026

- Suraj Sharma S/o Late Birendra Sharma Aged About 37 Years R/o Murumkhadan, Lakholi P. S. Kotwali, Rajnandgaon C.G.

... Applicant

versus

PAWAN KUMAR JHA
Digitally signed by PAWAN KUMAR JHA
Date: 2026.10.09 17:58:47 +0530

- State Of Chhattisgarh Through The Station House Officer Kotwali, Dist. Rajnandgaon.

... Non-applicant

For Applicant	:	Mr. Rakshit Agrawal, Advocate
For Respondent-State	:	Ms. Avelin Juneja, Panel Lawyer

Hon'ble Shri Parth Prateem Sahu, Judge

ORDER ON BOARD

09/10/2026

1. Applicant has filed 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. 280/2026 registered at Police Station – Kotwali, District Rajnandgaon (C.G.) for offence punishable under Section 20(B)(II)(B) of N.D.P.S. Act, 1985.

2. Case of prosecution in brief is that on 29.05.2026, secret information was received by the police personnel of police station Kotwali, Rajnandgaon that a person was carrying contraband (ganja). Acting upon the information, applicant was intercepted and after search 2.92 kg of contraband Ganja was seized from his possession.

3. Learned counsel for applicant submits that applicant has been falsely implicated in the crime, he has not committed any offence as alleged against him. Applicant has been made accused only on the basis of memorandum statement of co-accused Mohammad Raza, who has been enlarged on regular bail by this Court in MCRC No. 8636 of 2026 on 17.09.2026. Applicant is in jail since 01.08.2026, trial may take some time, hence, he may be enlarged on bail.

4. On the other hand, learned State counsel opposes the submission of learned counsel for applicant. She however does not dispute the submission of learned counsel for applicant that applicant has been made accused based on the memorandum statement of co-accused Mohd. Raza from whose possession contraband Ganja was seized.

5. I have heard learned counsel for the parties.

6. Taking into consideration, facts and circumstances of the case, nature of allegation, submission of learned counsel for the parties, without commenting anything on merits of the case, I am inclined to allow this bail application.

7. Accordingly, bail application is **allowed**. It is directed that the applicant shall be released on regular bail, upon furnishing a bail bond in the sum of ₹ 25,000/- with one surety in like sum to the satisfaction of the Court on the conditions that-

(a) The applicant shall file an undertaking to the effect that he shall not seek any adjournment on the dates fixed for evidence when the witnesses are present in court. In case of default of this condition, it shall be open for the trial court to treat it as abuse of liberty of bail and pass orders in accordance with law.

(b) The applicant shall remain present before the trial court on each date fixed, either personally or through his counsel. In case of his absence, without sufficient cause, the trial court may proceed against him under Section 269 of Bharatiya Nyaya Sanhita.

(c) In case, the applicant misuses the liberty of bail during trial and in order to secure his presence, proclamation under Section 84 of BNSS. is issued and the applicant fails to appear before the court on the date fixed in such proclamation, then, the trial court

shall initiate proceedings against him, in accordance with law, under Section 209 of the Bharatiya Nyaya Sanhita.

(d) The applicant shall remain present, in person, before the trial court on the dates fixed for (i) opening of the case, (ii) framing of charge and (iii) recording of statement under Section 351 of BNSS. If in the opinion of the trial court absence of the applicant is deliberate or without sufficient cause, then it shall be open for the trial court to treat such default as abuse of liberty of bail and proceed against him in accordance with law.

8. Office is directed to send a certified copy of this order to the trial Court concerned for necessary information and compliance forthwith.

Sd/-

(Parth Prateem Sahu)
JUDGE

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