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HIGH COURT OF CHHATTISGARH AT BILASPUR

SIDDHANT TAMRAKAR
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MCRC No. 9964 of 2026

- Kamal Dadsena S/o Banmali Dadsena Aged About 25 Years R/o Kulati, District Bargarh, Odisha

... Applicant

versus

- State Of Chhattisgarh Through Station House Officer, Police Station - Saraipali District Mahasamund Chhattisgarh

... Non-Applicant

For Applicant : Ms. Anjali Pradhan, Advocate
For State : Ms. Smriti Shrivastava, Panel Lawyer

Hon'ble Shri Justice Rakesh Mohan Pandey

Order on Board

26.10.2026

1. This is the second bail application filed under Section 483 of the Bhartiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to the applicant who has been arrested in connection with Crime No. 179/2025 registered at Police Station Saraipali, District Mahasamund (C.G.), for the offence punishable under Section 21(c) of NDPS Act, 1985.

2. Earlier, first bail application i.e. MCRC No. 19 of 2026 was rejected on merits vide order dated 07.01.2026.

3. Case of the prosecution, in brief, is that on 17.07.2025, police of police station Saraipali received secret information that two persons were carrying narcotic substances on a black scooter bearing registration No. OD-17-Y-

7663. Acting on the said information, police intercepted the scooter, which was being driven by the present applicant, Kamal Dadsena, with co-accused Gaurav @ Golu Satpathy sitting as a pillion rider. During the search of the scooter, 245 Pentazocine Lactate ampoules, 25 bottles of Win Cerex cough syrup (total 2,500 ml) and 198 Nitrazepam tablets were allegedly recovered from its dickey. Thereafter, Police has registered aforesaid offence against the present applicant.

4. Learned counsel for the applicant submits that the alleged contraband was recovered from the dickey of the scooter and not from the exclusive possession of the applicant. She would further submit that as per law laid down by the Hon'ble Supreme Court in the matter of ***Kailash Chandra Kapri v. State of Uttar Pradesh*** reported in ***2026 INSC 473***, prolonged incarceration and delay in conclusion of the trial warrant consideration of bail in light of the applicant's right to a speedy trial under *Article* 21 of the Constitution of India. It is argued that no prosecution witness has been examined till now, therefore, she would pray for grant of bail to the present applicant on ground of delay in trial.

5. On the other hand, learned counsel for the State would oppose the bail application and submit that first bail application i.e. MCRC No. 19 of 2026 was rejected on merits vide order dated 07.01.2026 and said order was challenged before the Hon'ble Supreme Court by filing Special Leave to Appeal (Crl.) No. 2842/2026 and same was also dismissed vide order dated 17.02.2026. She would further submit that contraband seized from the possession of the applicant is above commercial quantity and the judgment cited by learned counsel for the applicant does not entitle the applicant for

grant of bail in absence of change in circumstances.

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

7. Having considered facts and circumstances of the case, nature of allegations and material available on record, it appears that first bail application of the applicant was rejected on merits vide order dated 07.01.2026 in MCRC No. 19 of 2026. Thereafter, against said order Special Leave to Appeal (Crl.) No. 2842/2026 was preferred, which has also been dismissed by the Hon'ble Supreme Court vide order dated 17.02.2026. There is no change is circumstances. Further, taking into consideration the quantity of contraband involved in the present case and the findings recorded in the earlier bail application, I am not inclined to grant bail to the applicant.

8. Accordingly, instant bail application is hereby **rejected**. However, the trial Court is directed to make earnest endeavour to conclude the trial expeditiously.

Sd/-
(Rakesh Mohan Pandey)
JUDGE

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