CGHC010392712026 2026:CGHC:45640

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 9537 of 2026

- Santosh Pal @ Billa S/o Lt. Shri Nandu Pal, Aged About 22 Years R/o Village Krishnpur (Dhamani), P.S. Trikunda, Dist.- Balarampur (C.G.)

... Applicant

versus

- State Of Chhattisgarh Through Station House Officer, Police Station - Pratappur, District -Surajpur (C.G.)

... Non-Applicant

For Applicant : Mr. Mayank Chandrakar, Advocate
For State : Ms. Smriti Shrivastava, Panel Lawyer

Hon'ble Shri Justice Rakesh Mohan Pandey

Order on Board

28.10.2026

1. This is the first 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. 224/2025 registered at Police Station Pratappur, District Surajpur (C.G.), for the offence punishable under Section 21(c) of NDPS Act.

2. Case of prosecution in brief, is that on 22.09.2025, acting on secret information regarding three persons carrying intoxicating injections for sale, the police of Police Station Pratappur, District Surajpur, conducted a raid near Semarakhurd Tiraha and apprehended the present applicant, Santosh Pal

@ Billa, along with co-accused Bablu Rajwade and Anil Singh. Upon search, 40 AVIL injections of 10 ml each and 40 Rexogesic injections of 2 ml each were allegedly seized from the possession of the present applicant. Further, 50 AVIL injections of 10 ml each and 50 Rexogesic injections of 2 ml each were allegedly seized from the possession of co-accused Bablu Rajwade. Thus, total 90 AVIL injections and 90 Rexogesic injections were seized from the applicant and the co-accused. Thereafter, the police registered aforesaid offence against the applicant.

3. Learned counsel for the applicant submits that applicant is innocent and has falsely been implicated in the present case. It is contended that the mandatory procedure prescribed under the NDPS Act has not been followed. He further submits that seized AVIL injections do not fall within the purview of NDPS Act and are governed by the Drugs and Cosmetics Act. With regard to Rexogesic injections, learned counsel submits that each injection contains 0.6 milligrams of buprenorphine, and therefore, total quantity of buprenorphine in 40 injections comes to 0.024 grams, which is below the notified small quantity of 1 gram under the NDPS Act. It is also submitted that applicant is sole breadwinner of his family and he is in jail since 22.09.2025. He would contend that till now only one out of eleven prosecution witnesses has been examined. He would pray for grant of bail to the present applicant.

4. On the other hand, learned State counsel would oppose the bail application and submits that 40 AVIL injections of 10 ml each, aggregating to 400 ml, and 40 Rexogesic injections of 2 ml each, aggregating to 80 ml were allegedly seized from possession of the applicant. It is contended that

applicant has incorrectly calculated the quantity of buprenorphine as the calculation must be based on the actual composition and concentration of the drug in the seized injections. She submits that recovered contraband article is above commercial quantity. It is contended that present applicant has one live criminal antecedent of similar nature registered in the year 2021, therefore, instant application deserves to be rejected.

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

6. Having considered the facts and circumstances of the case and the nature and gravity of the allegations, it appears that 40 AVIL injections of 10 ml each and 40 Rexogesic injections of 2 ml each were allegedly seized from the possession of the applicant. Even if the contention of the applicant that AVIL injections do not fall within the purview of the NDPS Act is accepted, the fact remains that 40 Rexogesic injections, each containing 2 ml, total 80 ml, were allegedly seized from his possession, which is above commercial quantity, therefore, rigours of Section 37 of the NDPS Act would attract. Further, the applicant has one live criminal antecedent of similar nature registered in the year 2021, which is pending consideration. The applicant's contention with regard to non-compliance of mandatory provisions of the NDPS Act is a matter to be examined by the trial Court on the basis of the evidence adduced during trial.

7. In view of the foregoing facts and circumstances, particularly quantity of contraband substance allegedly seized from possession of the applicant, applicability of rigours of Section 37 of the NDPS Act, and the applicant's criminal antecedent, I am not inclined to grant bail to the present applicant.

8. Accordingly, instant bail application is hereby **rejected**.

Sd/-
(Rakesh Mohan Pandey)
JUDGE

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