CGHC010393782026 2026:CGHC:45521

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 9437 of 2026

Prakash Nayak @ Pappu S/o Shri Pramod Nayak Aged About 41 Years R/o Cokes Colony Babua Bagicha, P.S. Sadar, Dist - Jharsugda (Odisha)

... Applicant

NADIM MOHLE Digitally signed by NADIM MOHLE Date: 2026.10.29 11:06:39 +0530

versus

State Of Chhattisgarh Through - S.H.O., P.S. Civil Lines, Dist - Bilaspur (C.G.)

... Non-Applicant

For Applicant	**:**	Mr. Anshit Singh Hora, Advocate
For Non-Applicant	**:**	Ms. Ritika Verma, 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 Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to the applicant, who has been arrested in connection with Crime No. 894/2026 registered at Police Station Civil Lines, District Bilaspur (C.G.), for the offences punishable under Sections 20(b) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

2. Case of the prosecution, in brief, is that on 26.06.2026, acting upon secret information, the police party of Police Station Civil Lines conducted a raid near the Loco Pilot Training Centre, Uslapur Railway Station, and intercepted the present applicant along with co-accused persons, namely Mrs. Neha Singh and Archana Singh. Upon search, 11 packets wrapped with khaki-coloured plastic tape containing total 12.405 kg of contraband (Ganja) kept in a sky-blue trolley bag were allegedly recovered from their joint and conscious possession. Based

on the disclosure/memorandum statements that the contraband was procured from one Suresh Singh (shown absconding), the applicant and the co-accused persons were arrested on 26.06.2026, and after completion of the investigation, the charge-sheet has been filed.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the crime in question. It is submitted that the quantity of contraband alleged to have been recovered is 12.405 kg, which is an intermediate quantity, below the commercial quantity of 20 kg, and therefore the stringent bar under Section 37 of the NDPS Act is not attracted. He further submits that similarly situated co-accused persons, namely Mrs. Neha Singh and Archana Singh, have already been enlarged on regular bail by this Court vide orders passed in M.Cr.C. No. 8176 of 2026 and M.Cr.C. No. 8532 of 2026, respectively. It is also contended that although there are 3 previous criminal antecedents registered against the applicant in the State of Odisha in the years 2018, 2019, and 2024, all those cases pertain to offences under the Indian Penal Code and he has no criminal antecedent under the NDPS Act. The charge-sheet has already been filed, the applicant is in jail since 26.06.2026, and the conclusion of the trial is likely to take considerable time; therefore, the applicant may be released on regular bail.

4. On the other hand, learned counsel appearing for the State opposes the bail application and submits that contraband Ganja has been seized from the joint possession of the applicant and other co-accused persons, and that the applicant has 3 criminal antecedents. However, she does not dispute that the co-accused persons have already been granted bail by this Court, the seized quantity is intermediate, the charge-sheet has been filed, and the previous criminal cases are under the IPC and not under the NDPS Act.

5. Heard learned counsel for the parties and perused the case diary.

6. Taking into consideration the facts and circumstances of the case, nature and gravity of the allegations, particularly considering that the quantity of contraband seized (12.405 kg) is an intermediate quantity, the charge-sheet has already been filed, the applicant is in jail since 26.06.2026, that the previous criminal cases registered against the applicant in the State of Odisha are under the Indian Penal Code and not of similar nature under the NDPS Act, and further taking into account that the similarly situated co-accused persons have already

been granted regular bail by this Court in M.Cr.C. No. 8176 of 2026 and M.Cr.C. No. 8532 of 2026, on the ground of parity as well as considering that the conclusion of the trial is likely to take some time, without commenting on the merits of the case, this Court is inclined to release the applicant on regular bail. Accordingly, the bail application is **allowed**.

7. It is directed that in the event of the applicant executing a personal bond for a sum of Rs.50,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, he shall be released on bail, on following conditions :-

   (i) he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such fact to the Court,

   (ii) he shall not act in any manner which will be prejudicial to fair and expeditious trial, and

   (iii) he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

   The observation made hereinabove is for the purpose of deciding this bail application only, the trial Court shall decide the case on its own merits.

Sd/-

Rakesh Mohan Pandey
JUDGE

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