CGHC010394182026 2026:CGHC:46060

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 9755 of 2026

1 - Murad Shah S/o Shri Usman Shah, Aged About 30 Years R/o Lakhanwas, Police Station Malawar, Tehsil Biaora, District Rajgarh, Madhya Pradesh. At Present Confined In Central Jail, Jagdalpur, District Bastar C.G.

...Applicant(s)

versus

1 - State Of Chhattisgarh Through Station House Officer, Police Station Nagarnaar, District Bastar C.G. **…. Non-Applicant**

For Applicant	**:**	Mr. Ankit Pandey, Advocate
For Non-Applicant /State	**:**	Ms. Priya Sharma, P.L.

Hon'ble Shri Justice Rakesh Mohan Pandey

Order on Board

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Date: 2026.11.02 10:46:35 +0530

30/10/2026

1. This application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 has been filed by the applicant for grant of regular bail, who has been arrested in connection with Crime No. 240/2025 registered at Police Station Nagarnaar, District Bastar (C.G.) for offences punishable under Sections 20(b)(ii)(C) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, NDPS Act).
2. The case of the prosecution, in brief, is that on 27.10.2025, the police received secret information regarding transportation of Ganja, pursuant to which Eicher Truck bearing registration No. MP-09-GH-4428,

allegedly driven by the applicant, was intercepted at Forest Naka, Dhanpunji, NH-63. During search of the vehicle, 33 packets containing 73.080 kilograms of Ganja were allegedly recovered from amongst the goods loaded in the truck, along with certain other articles. The applicant was arrested on the same day at about 19:05 hours. The seized contraband was sent for FSL examination. During investigation, alleged bank and PhonePe transactions between the applicant and co-accused Mohammad Naveed @ Nazim and Balbhadra Takri were also revealed, including the use of a bank account standing in the name of the applicant's mother, Hasina B. Accordingly, Section 29 of the NDPS Act was added and charge-sheet No. 28/2026 dated 06.04.2026 was filed before the competent Court.

3. Learned counsel for the applicant submits that the co-accused, namely Mohammad Naved alias Nazim, has been enlarged on bail by the Hon’ble Supreme Court in Special Leave to Appeal (Crl.) No. 16300/2026. He further submits that the applicant was the driver of the vehicle and had no knowledge of the contraband being carried therein. The applicant has no criminal antecedents and has been in jail since 27.10.2025. The investigation is complete and the charge-sheet has already been filed. The applicant is ready to abide by any stringent terms and conditions that may be imposed by this Court, and there is no likelihood of his absconding or tampering with the evidence. He, therefore, prays for grant of regular bail to the applicant.

4. Learned State Counsel opposes the bail application and submits that 73.080 kg of Ganja, which is above commercial quantity, has been recovered from the exclusive possession of the applicant. Therefore,

the rigours of Section 37 of the NDPS Act would be attracted. Learned State counsel, therefore, prays for rejection of the bail application.

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

6. Upon perusal of the record, it transpires that 73.080 kg of Ganja was recovered from the exclusive possession of the present applicant, and the names of the other accused persons surfaced in the memorandum statements of the present applicant. Further, upon perusal of the order passed by the Hon'ble Supreme Court, it is evident that co-accused Mohammad Naved alias Nazim was granted bail as no contraband was recovered from his possession, whereas the contraband was recovered from the possession of the present applicant.

7. It is a well-settled principle of law that while considering bail, the court's role is confined to verifying the existence of a *prima facie* case and the recovery of contraband article from possession of present applicant indicates his *prima facie* involvement in the illegal transit of ganja, therefore, the rigour of Section 37 of the NDPS Act would squarely apply to the present case.

8. Having regard to the quantity of contraband seized, which is above commercial quantity, the rigours of Section 37 of the NDPS Act would be attracted, I am not inclined to allow this application. Accordingly, the instant bail application is **rejected**.

Sd/-

Rakesh Mohan Pandey
JUDGE

Jyoti