CGHC010394442026

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 9605 of 2026

1 - Tabrez Ali S/o Tijarat Ali, Aged About 31 Years Residence Of Village Majjhgawan, P.S. Baikunthpur Dist- Koriya, Chhattisgarh

... Applicant

versus

1 - State Of Chhattisgarh Through, Police Station Baikunthpur Distt. Koriya, Chhattisgarh. --- **Non-applicant**

For Applicant	**:**	Mr. Waquar Naiyer, Advocate
For Non-applicant	**:**	Mr. Vivek Sharma, PL

Hon'ble Shri Justice Rakesh Mohan Pandey

Order On Board

14.10.2026

1) The applicant has preferred this second bail application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail, as he has been arrested in connection with Crime No. 212/2025 registered at Police Station Baikunthpur, District Koriya (C.G.) for the offence punishable under Section 22(b) & 22 (A) of the Narcotic Drugs and Psychotropic Substances Act, 1985. Earlier first bail application of the applicant bearing MCRC No.9898 of 2025 was rejected on merits vide order dated 04.12.2025.

2) The prosecution case, in brief, is that, acting on information received from the Superintendent of Police, Korea (C.G.), the police intercepted

accused Tabrez Ali near Narkeli-Majhgawan Tiraaha and recovered 288 Spasmo-Proxyvon tablets and 50 Alprazolam tablets from his bag. As the accused failed to produce any valid licence or permit, Crime No. 212/2025 was registered under Section 22(B) of the NDPS Act. Hence the bail application.

3) Learned counsel appearing for the applicant would submit that the applicant is innocent and has falsely been implicated in the present case. He would further submit that the applicant's first bail application was rejected on account of the pendency of one criminal case under the NDPS Act; however, the applicant has already been acquitted in said case vide judgment dated 19.10.2022, a copy of which has been placed on record as Annexure A/3. He would further contend that the contraband seized from the possession of the applicant is of intermediate quantity, being less than commercial quantity, and therefore, the rigours of Section 37 of the NDPS Act do not apply in the case of the applicant. He would also submit that the charge-sheet has already been filed and the applicant has been in judicial custody since 22.06.2025. Hence, he prays that the applicant be enlarged on regular bail.

4) On the other hand, learned counsel appearing for the State/non-applicant would oppose the bail application and submit that intermediate quantity of contraband article was recovered from the possession of the applicant; thus, no case for grant of bail is made out.

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

6) Taking into consideration the facts and circumstances of the case, particularly that the contraband seized from the possession of the applicant is of intermediate quantity, which is below commercial quantity, the charge-sheet has already been filed; the applicant is in judicial custody since 22.06.2025; and one criminal case pending against the applicant has already been decided in his favour, this Court is inclined to enlarge 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 the 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, &

(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 learned trial Court shall decide the case on its own merits.

Sd/-

(Rakesh Mohan Pandey)
JUDGE

Rekha