CGHC010394902026 2026:CGHC:45704

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 9572 of 2026

Chaitanya Panda S/o Late Naveen Panda Aged About 60 Years R/o Garbhana, P. S. Sohela, District Bargarh (Odisha). **... Applicant**

versus

State of Chhattisgarh Through- P. S. Singhoda, District Mahasamund (C.G.).

... Non-Applicant

For Applicant	**:**	Ms. Shruti Shrivastava, Advocate
For Non-Applicant/State	**:**	Ms. Smriti Agrawal, Panel Lawyer

Hon'ble Shri Justice Rakesh Mohan Pandey

Order on Board

29/10/2026

1. This is the first 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. 74/2026 registered at Police Station Singhoda, District Mahasamund (C.G.), for offences punishable under Sections 20(b) and 29(1) of the Narcotic Drugs and Psychotropic Substances Act, 1985.
2. The prosecution case, in brief, is that on 11.07.2026 at about 11:40 AM, during vehicle checking near NH-53 Main Road at Rehtikhol Chowk, the police intercepted a Scooty bearing registration No. DL-11-SV-2022. Upon search, 5.160 kg of Ganja packed in a plastic bag was recovered from the dickey of the said two-wheeler, which was in the joint possession of co-accused persons namely Harish Rathore and Murari

Suryavanshi. Subsequently, the name of the present applicant was implicated on the basis of the memorandum statement of the co-accused persons.

3. Learned counsel for the applicant submits that the applicant has not played any active role in the commission of the alleged offence. No narcotic substance was recovered from the physical or conscious possession of the applicant, and he had no knowledge regarding the alleged transportation of contraband. He has been arrayed solely on the basis of the confessional/memorandum statements of the co-accused persons, which is inadmissible in the absence of independent corroboration. The applicant has no criminal antecedents. It is further submitted that the seized quantity of Ganja (5.160 kg) is below commercial quantity, and therefore, the rigour of Section 37 of the NDPS Act is not attracted. The investigation is complete, the charge-sheet has already been filed, and trial is likely to take considerable time to conclude. The applicant is in judicial custody since 11.07.2026, is a permanent resident having deep roots in society with no chance of absconding or tampering with evidence, and is ready and willing to abide by all stringent terms and conditions that may be imposed by this Court.
4. On the other hand, learned State counsel opposes the bail application and submits that the applicant was involved in the illicit trafficking of contraband along with the co-accused persons pursuant to a criminal conspiracy; thus, he may not be enlarged on bail.
5. Heard learned counsel for the parties and perused the case diary.
6. Considering the facts and circumstances of the case, particularly the fact that the seized contraband (5.160 kg of Ganja) is an intermediate quantity, and the statutory bar under Section 37 of the NDPS Act is not attracted; no narcotic substance has been seized from the direct or conscious possession of the applicant, and his implication is based on

the memorandum statement of the co-accused; similarly situated co-accused has already been enlarged on regular bail by this Court vide order passed in MCRC No. 9290/2026; the applicant is in jail since 11.07.2026, the investigation is complete, the charge-sheet has been filed; applicant has no criminal antecedents, and final disposal of the trial is likely to take substantial 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.

8. 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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