CGHC010395272026 2026:CGHC:45089

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 9943 of 2026

1 - Mahesh Markam S/o Tilak Ram Markam Aged About 30 Years R/o Mopka Chilhati, Police Station Sarkanda, District Bilaspur (C.G.)

--- Applicant

versus

1 - State Of Chhattisgarh Through Police Station Singhoda, District-Mahasanund (C.G.)

---- Respondent

For Applicant	:	Mr. Harish Khutiya, Advocate
For Respondent	:	Mr. Himanshu Yadu, P.L.

Hon'ble Shri Justice Parth Prateem Sahu
Order On Board

26/10/2026

BALRAM PRASAD DEWANGAN
Digitally signed by BALRAM PRASAD DEWANGAN

1. Applicant has filed this first bail application under Section 483 of the Bhartiya Nagrik Suraksha Sanhita, 2023 for grant of regular bail as he has been arrested in connection with Crime No. 65 of 2025, registered at Police Station – Singhoda, District – Mahasamund (C.G.) for offence punishable under Section 20 (b) (ii) and 29 (1) of N.D.P.S. Act and Section 125 (a), 281, 303 (2), 3 (5) and 105 of BNS and Section 25 of Arms Act.

2. The prosecution case, in brief, is that on 07.08.2025, the police received information regarding a motor accident. Upon reaching the spot, police found that a Scorpio vehicle bearing registration No. CG-

12-BF-4655, allegedly driven rashly and negligently, had dashed against a Hero Splendor motorcycle, causing injuries to its rider, Digambar Patel. During checking of the vehicles, police found that the accused persons were allegedly transporting 30 kg of ganja in two vehicles, namely the Scorpio and an Ertiga bearing registration No. CG-04-LM-0358. Total eight accused persons were charge-sheeted, including one juvenile. Four accused persons were occupants of the Scorpio, three were occupants of the Ertiga, while Manish Kumar Patel was subsequently made an accused in the charge-sheet.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the present case. He has not committed any offence as alleged. Applicant was driver in the vehicle which was owned by Jairam Kashyap and at the time of incident, he was driving the car in the capacity of driver. After accident, when police came and searched the vehicle, they seized 30 Kg. Ganja and total 9 goats. He contended that Ganja and other articles were of other occupants of the vehicle of which, applicant was not aware. Applicant is in jail since 07.08.2025. Seizure is made jointly from six accused persons. There is no other criminal antecedents against applicant. The other co-accused persons namely Sahid Ali has been enlarged on bail in M.Cr.C. No. 8368 of 2026 vide order dated 09.09.2026, Manish Kumar Patel in M.Cr.C. No. 864 of 2026 vide order dated 27.01.2026, Sadik Khan in M.Cr.C. No. 6591 of 2026 vide order dated 06.08.2026 by this Court and accused Shekhar Chauhan @ Aman Chauhan has been released on bail by Hon’ble Supreme Court in SLP (Cri.) No. 7105 of 2026 vide order dated 13.07.2026 and

the case of the applicant is on better footing than those of other co-accused persons.

4. Learned State counsel opposes the bail application and submits that the one more offence is added against applicant under Section 105 of BNS as he was driving the vehicle, which met with accident and one person died.

5. I have heard learned counsel for the parties.

6. Taking into consideration facts and circumstances of the case, the nature and gravity of the offence and the nature of allegation levelled against applicant and further considering the fact that three co-accused persons have been enlarged on bail by this Court and one co-accused has been enlarged on bail by Hon'ble Supreme Court, applicant is in jail since 07.08.2025, without commenting anything on merits of the case, I am inclined to allow the bail application.

7. Accordingly, bail application is **allowed**. It is directed that the applicant shall be released on regular bail, upon furnishing a bail bond in the sum of ₹ 25,000/- with one surety in the like sum to the satisfaction of the Court on the conditions that-

(a) The applicant shall file an undertaking to the effect that he shall not seek any adjournment on the dates fixed for evidence when the witnesses are present in court. In case of default of this condition, it shall be open for the trial court to treat it as abuse of liberty of bail and pass orders in accordance with law.

(b) The applicant shall remain present before the trial court on each date fixed, either personally or through him counsel. In case of him absence, without sufficient cause, the trial court may proceed against him under Section 269 of Bharatiya Nyaya Sanhita.

(c) In case, the applicant misuses the liberty of bail during trial and in order to secure his presence, proclamation under Section 84 of BNSS. is issued and the applicant fails to appear before the court on the date fixed in such proclamation, then, the trial court shall initiate proceedings against him, in accordance with law, under Section 209 of the Bharatiya Nyaya Sanhita.

(d) The applicant shall remain present, in person, before the trial court on the dates fixed for (i) opening of the case, (ii) framing of charge and (iii) recording of statement under Section 351 of BNSS. If in the opinion of the trial court absence of the applicant is deliberate or without sufficient cause, then it shall be open for the trial court to treat such default as abuse of liberty of bail and proceed against him in accordance with law.

8. Office is directed to send a certified copy of this order to the trial Court concerned for necessary information and compliance forthwith.

Sd/-
(Parth Prateem Sahu)
Judge

Balram