CCGHC010397222026 2026:CGHC:45620

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 9516 of 2026

Vinay Kumar Dewangan S/o Shri Radheshyam Dewangan Aged About 49 Years R/o Village Mahaud, Block Dharsiwa P.S. Siliyari, Distt- Raipur (C.G.)

... Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Khamtarai, Distt- Raipur (C.G.)

... Respondent(s)

For Applicant	:	Mr. Prateek Sharma, Advocate
For Non-Applicant	:	Mr. Dharmesh Shrivastava, Dy. A.G.

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 Bhartiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to the applicant who has been arrested in connection with Crime No. 332/2026 registered at Police Station : Khamtarai, District : Raipur (C.G.) for the offence punishable under Section 4 and 5 of Explosive Substances Act, 1908.

2. As per the prosecution story, in brief, it is alleged that the police received information on a mobile phone at 9:32 AM on 07.05.2026 that

the applicant had left a black handbag at the house of Pushpa Sahu at 8:00 PM on 06.05.2026, on the pretext that he would collect it the following morning. However, when the applicant did not return to collect the bag by 9:00 AM, the bag was opened, and a pistol and bomb-like material were found inside it. On the basis of the aforesaid information, the BDS team, the ballistic expert team, and the police arrived at the house of the said Pushpa Sahu and recovered the bag lying outside her house. The bottle bomb was subsequently defused by taking it to a safe place. On the basis of the aforesaid incident, FIR No. 332/2026 was registered under Sections 4 and 5 of the Explosive Substances Act, 1908, and the applicant was arrested on 13.05.2026. After completion of the investigation, the charge sheet was also filed on 09.07.2026.

3. Learned counsel for the applicant submits that the alleged explosive substances were not recovered from the exclusive possession of the present applicant, and that the hand bag in question was recovered from the house of Pushpa Sahu. It is further contended that no FSL report has been placed on record along with the charge-sheet to establish that the seized articles contained explosive substances. Learned counsel further submits that, in the absence of exclusive possession of the alleged explosive substances by the applicant, the provisions of Sections 4 and 5 of the Explosive Substances Act are not attracted. It is also submitted that the applicant has no criminal antecedents, has been in judicial custody since 13.05.2026, and that the trial is likely to take considerable time to conclude. On the aforesaid grounds, learned counsel for the applicant prays for grant of bail to the applicant.

4. Per contra, learned counsel for the State opposes the bail application and submits that the allegations against the applicant are serious in nature, involving the alleged recovery of explosive substances. It is further submitted that the role attributed to the applicant and the circumstances surrounding the seizure of the alleged explosive substances are matters to be considered during the course of trial. Learned counsel for the State, therefore, submits that, considering the nature and gravity of the allegations, the applicant is not entitled to be released on bail and prays for rejection of the bail application.

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

6. Having considered the submissions advanced by the parties, it appears that the alleged explosive substances were not recovered from the exclusive possession of the applicant, rather the hand bag in question is stated to have been recovered from the house of co-accused Pushpa Sahu. It is also submitted that no FSL report has been placed on record along with the charge-sheet to establish the nature and composition of the seized articles. The question as to whether the seized articles constitute explosive substances within the meaning of the Explosive Substances Act, as well as the nature of the applicant's alleged involvement, would require proper appreciation of evidence during trial. Having regard to the facts and circumstances of the case, the nature of the allegations, the absence of any criminal antecedents of the applicant, the fact that the applicant has been in judicial custody since 13.05.2026, and the likelihood of the trial taking considerable time to conclude, this Court is of the considered opinion that further incarceration of the applicant is not warranted at this stage. The

apprehension expressed by the State can be adequately addressed by imposing appropriate conditions while granting bail. Needless to observe, the aforesaid observations are confined to the consideration of the present bail application and shall not affect the merits of the case during trial.

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

(a) he shall make himself available for interrogation by the police officer as and when required;

(b)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; and

(c) he shall not act in any manner which will be prejudicial to a fair and expeditious 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

Saurabh