CGHC010397522026 2026:CGHC:45796

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 9637 of 2026

1 - Sameer Khan S/o Athar Khan Aged About 20 Years R/o Ward No. 05 Patharia, Dist. Mungeli, C.G.

... Applicant

versus

1 - State Of Chhattisgarh Through Police Station Patharia, Dist. Mungeli C.G.

... Non-applicant

For Applicant	:	Mr. Ashutosh Trivedi, Advocate
For Non-applicant /State	:	Mr. Akash Agrawal, P.L.

Hon'ble Shri Justice Rakesh Mohan Pandey

Order on Board

29/10/2026

1. The applicant has preferred this first 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. 204/2026 registered at Police Station Patharia, District Mungeli (C.G.) for the offence punishable under Section 20(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter, “NDPS Act”).

2. Case of the prosecution, in brief, is that on 01/08/2026, five persons were transporting contraband i.e. ganja in three motorcycles. The police, upon receiving secret information, intercepted those vehicles at around 04:30 PM and seized 3.970 kgs of ganja from co-accused Ajay Shrivastava, 4.030 kgs of ganja from co-accused Diesel and 2.05 kgs of ganja from the present applicant which totals to 10.05 kgs of ganja. Thereafter, the accused persons were taken into custody and the aforesaid offence was registered against the present applicant.

3. Mr. Ashutosh Trivedi, 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 total seized contraband article, i.e., 10.05 kgs of Ganja, is of intermediate quantity (less than commercial quantity), hence the rigours of Section 37 of the NDPS Act would not apply to the applicant's case. He would also contend that the investigation has been completed, charge-sheet has already been filed, there is no criminal antecedent of the applicant and the applicant has been in judicial custody since 01/10/2026, and since the conclusion of the

trial is likely to take considerable time, the applicant may be enlarged on regular bail.

4. On the other hand, Mr. Akash Agrawal, learned counsel appearing for the non-applicant/State, would oppose the bail application and submit that the present applicant was involved in illegal transportation of prohibited drug, therefore, this bail application is liable to be rejected.

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 total seized contraband article (10.05 kgs of Ganja) is of intermediate quantity, which is below commercial quantity; further considering that charge-sheet has already been filed, the applicant has no criminal antecedent and he is in judicial custody since 01/10/2026, and the conclusion of the trial is likely to take some time, 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 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

Harneet