CGHC010397762026 2026:CGHC:47017

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 10049 of 2026

1 - Sanjana Sahu W/o Narayan Prasad Sahu Aged About 35 Years Resident Of Ward No. 13, Near Adbhar Bijli Office, Police Station- Malkharoda, District- Sakti (C.G.)

... Applicant

versus

1 - State Of Chhattisgarh Through Police Station- Sarangarh, District- Sarangarh-Bilaigarh (C.G.)

... Respondent(s)

For Applicant	**:**	Shri Dhirendra Prasad Mishra, Advocate
For Respondent(s)	**:**	Ms. Smriti Shrivastava, Panel lawyer

Hon'ble Shri Justice Rakesh Mohan Pandey

Order on Board

05/11/2026

1. This is the first bail 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. 437/2025 registered at Police Station Sarangarh, District Sarangarh-Bilaigarh (C.G.) for the offence punishable under Sections 20(B) and 29 of NDPS. The applicant is in custody since 28.08.2025.

2. The prosecution case, in brief, is that on 28.08.2025, during night patrolling and vehicle checking near Village Dansara Bypass, the police noticed one car and one truck container, which did not stop and were chased up to Nandeli Bypass Road near MRS Rice Mill. Upon checking the said vehicles, five persons, namely, Devendra Sharma (present applicant), Shyam Babu, Ranjit Sahu, Narayan Prasad Sahu and Smt. Sanjana Sahu, were found present. On search of truck bearing registration No. HR46 E-2249, a total of 29 packets containing 91.320 kilograms of ganja, allegedly kept behind the driver's seat and wrapped in khaki-coloured plastic tape, were recovered and seized. Accordingly, the aforesaid offence was registered and after completion of investigation, charge-sheet has been filed before the competent Court.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the present case. He would further submits that the applicant was not found in exclusive or conscious possession of the alleged contraband and there is no independent material showing his ownership, control or dominion

over the seized contraband. He would further contend that the investigation has been completed and charge-sheet has been filed and the applicant is in judicial custody since 28.08.2025. It is also submitted that the similarly situated co-accused, namely Shyam Babu Choudhary, whose bail application was rejected by a Co-ordinate Bench of this Court in MCRC No. 3982/2026 vide orderdated 30.04.2026, preferred SLP (Crl.) No. 9672/2026 before the Hon'ble Supreme Court and was granted bail vide order dated 27.07.2026. It is further submitted that on the ground of parity, another co-accused, namely Narayan Prasad Sahu, has been granted bail by a Co-ordinate Bench of this Court in MCRC No. 7666/2026 vide order dated 18.08.2026. He would further submits that the seizure witness has turned hostile during trial. The case of the present applicant is similar to that of the aforesaid co-accused persons. He further submits that the applicant has no criminal antecedent therefore, on the ground of parity and prolonged incarceration, he prays for grant of bail to the applicant.

4. On the other hand, learned counsel appearing for the State opposes the bail application.

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

6. Considering the facts and circumstances of the case, the fact that the applicant is in judicial custody since 28.08.2025, the investigation has been completed and charge-sheet has been filed before the competent Court, coupled with the fact that the

similarly situated co-accused Shyam Babu Choudhary, whose bail application was rejected by a Co-ordinate Bench of this Court in MCRC No. 3982/2026 vide order dated 30.04.2026, has subsequently been granted bail by the Hon'ble Supreme Court vide order dated 27.07.2026 in SLP (Crl.) No. 9672/2026 and another co-accused Narayan Prasad Sahu has also been granted bail by a Co-ordinate Bench of this Court in MCRC No. 7666/2026 vide order dated 18.08.2026, as well as the fact that the seizure witness has turned hostile and the State could not dispute the said facts and further considering that no criminal antecedent of the applicant is reflected in the ICJS portal and without further commenting anything on the merits of the case, I am inclined to grant regular bail to the applicant.

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

Madhurima