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HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 9711 of 2026

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Mamta Satnami @ Mamta Puraina W/o Late Khoman Puraina Aged About 39 Years R/o Kavi Nagar Near Sitla Mandir, P.S. Kavi Nagar District Raipur Chhattisgarh. **... Applicant**

versus

State Of Chhattisgarh Through Station House Officer, Police Station Basantpur, District Rajnandgaon Chhattisgarh. **... Non-Applicant**

For Applicant	**:**	Mr. Aditya Bhardwaj, Advocate
For Non-Applicant/State	**:**	Ms. Priya Sharma, Panel Lawyer

Hon'ble Shri Justice Rakesh Mohan Pandey

Order on Board

30/10/2026

1. This is the first bail application filed on behalf of the applicant for grant of regular bail, who is in custody in connection with Crime No. 274/2025, registered at Police Station Basantpur, District Rajnandgaon (C.G.), for the alleged commission of offence punishable under Section 20(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985.
2. The prosecution case, in brief, is that on 18.06.2025, upon receipt of secret information, the police team of Police Station Basantpur intercepted co-accused Milan Kumar Mahobe in front of Dada Bus Service Garage, situated on G.E. Road near Barfani Temple,

Rajnandgaon. From his conscious possession, two suitcases and a yellow plastic bag containing 34.750 kg of illicit Ganja were recovered and seized. During interrogation, co-accused Milan disclosed that the contraband was brought for sale jointly with the present applicant-Mamta Satnami, who had fled the spot upon sighting the police party. In furtherance of the ongoing investigation, the present applicant was subsequently traced and arrested on 03.08.2025, and upon search, an additional quantity of 15.700 kg of Ganja was recovered from her possession, bringing the cumulative quantity of seized contraband in the crime to 50.450 kg. After due investigation, the charge-sheet has been submitted before the competent court.

3. Learned counsel for the applicant would submit that the applicant is innocent and has falsely been roped into the present case. He would further submit that the alleged seizure from her possession is fabricated and planted. He would also submit that the quantity allegedly seized from the exclusive possession of the applicant is 15.700 kg, which is less than the commercial threshold i.e. 20 kg and falls under intermediate quantity; hence, the statutory embargo under Section 37 of the NDPS Act is not attracted against the applicant individually. He would contend that there is non-compliance with the mandatory procedural requirements under Section 50 of the NDPS Act, thereby vitiating the search and seizure proceedings. He would further submit that the independent seizure witness Raju Sahu (PW-2) has already been examined before the trial court and has not supported the prosecution case. He would also contend that the applicant is a woman, has been in continuous judicial custody since 03.08.2025, has no criminal antecedent under the NDPS Act, and since the charge-sheet has been filed; thus, she may not be enlarged on bail.

4. Learned State counsel strongly opposes the bail application and submits that on 18.06.2025, co-accused Milan Kumar Mahobe was

arrested, and 34.750 kg of Ganja was recovered from his possession. During interrogation, he disclosed the involvement of the present applicant in the crime. It is further submitted that the applicant fled upon seeing the police and was subsequently arrested on 03.08.2025, and 15.700 kg of Ganja was recovered from her possession. The total quantity of Ganja recovered in connection with the present crime from the applicant and the co-accused is 50.450 kg, which is much higher than the prescribed commercial quantity of 20 kg, thus, the restrictions imposed under Section 37 of the NDPS Act are attracted in this case; thus, she prays for rejection of the bail application.

5. Heard learned counsel for the parties and perused the case diary.

6. From a perusal of the case diary, it appears that 34.750 kg of Ganja was seized on 18.06.2025 at the initial stage, and the co-accused disclosed the involvement of the present applicant. Subsequently, upon the arrest of the applicant on 03.08.2025, 15.700 kg of Ganja was recovered from her possession; thus, the total quantity of Ganja recovered in connection with the present crime is 50.450 kg, which falls within the commercial quantity. Where the accused persons are alleged to have acted together in the illegal trade of narcotic substances, the total quantity of contraband involved in the crime may be considered.

7. In the present case, the total quantity seized is commercial quantity, therefore, the restrictions imposed under Section 37 of the NDPS Act are attracted. Further, the applicant has one criminal antecedent of the year 2019 registered under the Chhattisgarh Excise Act, this Court does not find reasonable grounds to believe that the applicant is not guilty of the alleged offence and she is unlikely to commit a similar offence if released on bail.

8. The contention regarding the independent witness turning hostile cannot, by itself, be a ground for granting bail at this stage. The credibility and evidentiary value of the witnesses can be examined

during trial. This Court cannot conduct a detailed examination of the evidence at the stage of considering the bail application.

9. Having considered the nature and gravity of the allegations, the commercial quantity of the contraband seized, the criminal antecedents of the applicant and the restrictions imposed under Section 37 of the NDPS Act, this Court does not find any ground to grant bail to the applicant. Accordingly, the first bail application filed on behalf of the applicant is hereby **rejected**.

Sd/-

Rakesh Mohan Pandey

JUDGE

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