CGHC010397902026 2026:CGHC:45719

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 9553 of 2026

- Bobby Kumar Saini S/o Ashok Kumar Saini Aged About 31 Years R/o Kashidwar Building, Balkeshwarvada, Penha Di France, Bardesh, P.S. Parvari, Distt. Pandji (Goa).

... Applicant

versus

- State Of Chhattisgarh Through P.S. Komakhan, Distt. Mahasamund, Chhattisgarh.

... Non-applicant

For Applicant	:	Ms. Akanksha Mishra, Advocate
For Non-applicant	:	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 Bhartiya Nagrik Suraksha Sanhita, 2023 for grant of regular bail, as he has been arrested in connection with Crime No. 146/2025, registered at Police Station : Komakhan, District : Mahasamund (C.G.) for the offence punishable under Section 20(B) of NDPS Act.

2) Case of the prosecution, in brief is that on 27.11.2025 on the basis of information given by the informant, police authorities seized 50 kg of Ganja, which was kept in 3 bags from the vehicle SWIFT DZIRE bearing registration No. MH 04 DN 9512 from joint possession of applicant and co-accused Prakash Behera. Thereafter, they were arrested in connection with the afore-stated offence.

3) Learned counsel for the applicant submits that the applicant has been falsely roped into the present case, and the alleged contraband (50 kg of Ganja) was not recovered from his exclusive or conscious possession. He further submits that the trial is progressing at a slow pace, as only two prosecution witnesses have been examined out of a total of 14 enlisted prosecution witnesses, and the seizure and memorandum witness, Keshru Nirala (PW/1), has turned hostile. He also submits that the applicant has no criminal antecedents, has been in judicial custody since 27.11.2025, and the trial is likely to take considerable time to conclude. In view of these circumstances, it is prayed that the applicant be enlarged on regular bail.

4) On the other hand, learned counsel appearing for the State/non-applicant opposes the bail application and submits that the contraband article, i.e., 50 kg of Ganja, was seized from the joint possession of the present applicant and the co-accused, which indicates their active involvement in the illegal transportation of

the said contraband, therefore, the applicant is not entitled to the grant of regular bail.

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

6) It appears that the contraband article, i.e., 50 kg of Ganja, was recovered from the possession of the present applicant and other co-accused person, which is well above the commercial quantity and he is named in the FIR. It is a well-settled principle of law that while considering bail, the court's role is confined to verifying the existence of a *prima facie* case and the recovery of contraband article from possession of present applicant indicates his *prima facie* involvement in the illegal transit of ganja, therefore, the rigour of Section 37 of the NDPS Act would squarely apply to the present case.

7) In view of the aforesaid discussion, I am not inclined to allow this application. Accordingly, the instant bail application is **rejected**.

Sd/-
(Rakesh Mohan Pandey)
JUDGE

Ajinkya