CGHC010398522026 2026:CGHC:45720

**NAFR**

**HIGH COURT OF CHHATTISGARH AT BILASPUR**

**MCRC No. 9550 of 2026**

**1.** Vijay Solanki S/o Shri Karshan Bhai, Aged About 44 Years R/o Vishwakarma Society, Vishal Nagar, Police Station - Barasa, District - Surat, Gujrat

**2.** Ramesh Kherada S/o Shri Purushottam Kherada Aged About 43 Years R/o Village - Nanimaal Bapa, Seetaram Chowk, Police Station - Palimana, District - Bhawanam, Gujrat

**... Applicant**

**versus**

**1.** State Of Chhattisgarh Through The Station House Officer, Police Station Basna, Distt. Mahasamund (C.G.)

**... Non-applicant**

| | | |
|---|---|---|
| For Applicants | : | Mr. Sumit Shrivastava, Advocate |
| For Non-applicant | : | Mr. Vivek Sharma, P.L. |

**Hon'ble Shri Justice Rakesh Mohan Pandey**

**Order On Board**

**29.10.2026**

**1)** The applicants have preferred this First Bail Application under Section 483 of Bhartiya Nagrik Suraksha Sanhita, 2023 for grant of regular bail, as they have been arrested in connection with Crime No.131/2026, registered at Police Station Basna, 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 22.03.2026 on the basis of information given by the informant, investigation officer seized 22.890 kg of Ganja, which was kept in two bags from the vehicle MARUTI EECO bearing registration No. GJ 06 HL 3815 from possession of the present applicants. Thereafter, they were arrested in connection with the afore-stated offence.

**3)** Learned counsel for the applicants submits that the alleged contraband was not recovered from the exclusive personal possession of the applicants; moreover, they have already undergone a substantial period of incarceration. He further submits that the conclusion of the trial is likely to take time; therefore, the instant bail application may kindly be allowed.

**4)** On the other hand, learned counsel appearing for the State/non-applicant opposes the bail applications and submits that the applicant, Vijay Solanki, has one criminal antecedent pertaining to the year 2026, which has not been disclosed or explained in Part D (Criminal Antecedents) of the bail application. He further submits that a commercial quantity of the contraband article, namely 22.890 kg of *ganja*, was seized from the joint possession of the present applicants; therefore, they are 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 a contraband article, namely 22.890 kg of *ganja*, was recovered from the possession of the present applicants, which is well above the commercial quantity. 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 exclusive possession of present applicants indicates their *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 applicant. Accordingly, the instant bail application is **rejected**.

**Sd/-**
**(Rakesh Mohan Pandey)**
JUDGE

Ajinkya