CGHC010398832026 2026:CGHC:45725

**NAFR**

**HIGH COURT OF CHHATTISGARH AT BILASPUR**

**MCRC No. 9584 of 2026**

Prince Gupta @ Ashok Shah @ Bodhu S/o Shri Sahdev Gupta Aged About 27 Years R/o Chandni Chowk, Near Victoria School, Thana Ambikapur, District Surguja (C.G.). **... Applicant**

**versus**

State Of Chhattisgarh Through, Station House Officer, Police Station Gandhinagar, Distt. Surguja (C.G.). **... Non-Applicant**

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| **For Applicant** | **:** Mr. Rajendra Patel, Advocate |
| **For Non-Applicant/State** | **:** Mr. Akash Agrawal, Panel Lawyer |

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

**Order on Board**

**29/10/2026**

1. This is the first bail application filed on behalf of the applicant for grant of regular bail, who has been implicated in connection with Crime No. 276/2025, registered at Police Station Gandhinagar, District Surguja (Chhattisgarh), for alleged commission of offences punishable under Sections 22(c), 27, and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

2. As per the case of the prosecution, on 07.05.2025, police officials of Police Station Gandhinagar, District Surguja received secret information indicating that co-accused Pankaj Gupta had stored illicit psychotropic substances in his residential premises. Acting upon the said information, a search was conducted at the house of the co-accused,

resulting in the recovery and seizure of Avil (Pheniramine Maleate Injection IP 10 ml): 310 units (totaling 3,100 ml / 31,000 ml); and Rexogesic (Buprenorphine Injection IP 2 ml): 800 units (1,600 ml). The co-accused Pankaj Gupta was arrested at the spot. During interrogation, his memorandum statement was recorded, wherein he disclosed that he procured the seized injections from the present applicant. Consequently, the present applicant, who was already in judicial custody in connection with another case bearing Crime No. 133/2025 was formally arrested and arrayed as an accused in the instant crime.

3. Learned counsel for the applicant submits that the applicant is innocent and has falsely been roped into the present case without any direct or indirect link to the alleged recovery. The applicant was not apprehended at the place of seizure; no contraband was recovered from his physical or constructive possession. His implication rests solely on the memorandum statement of co-accused Pankaj Gupta. The prosecution has failed to gather any independent, cogent, or corroborative material establishing involvement of the applicant. The charge-sheet has already been filed, and out of 20 cited prosecution witnesses, only 4 witnesses have been examined so far; thus, he may be enlarged on bail.

4. Learned State counsel vehemently opposes the application and submitted that the contraband seized in this case constitutes a commercial quantity, thus statutory bar under Section 37 of the NDPS Act attracts in this case. It is submitted that the applicant is a habitual offender with an active, live criminal history comprising six previous criminal antecedents, including three cases registered under the NDPS Act involving commercial quantities. The applicant was already languishing in jail in connection with Crime No. 133/2025, wherein his

bail application has already been considered and dismissed on merits; thus, he may not be enlarged on bail.

5. Heard learned counsel appearing for both sides and perused the case diary.

6. The recovery of Buprenorphine (Rexogesic) along with Avil injections in the present case falls under the commercial quantity category. Section 37 of the NDPS Act mandates that before enlarging an accused on bail involving a commercial quantity, the Court must be satisfied that there are reasonable grounds for believing that the accused is not guilty of such offence and that he is not likely to commit any offence while on bail.

7. In the case at hand, the applicant has a criminal record of similar nature, and he has as many as six criminal antecedents, out of which three are registered under the provisions of the NDPS Act for commercial quantities.

8. Taking into consideration the gravity of the allegations, the commercial volume of the contraband, the applicant's active criminal antecedents, and the strict embargo under Section 37 of the NDPS Act, no case for grant of bail is made out at this stage. Accordingly, the first bail application filed under Section 483 of BNSS on behalf of the applicant is hereby **rejected**.

**Sd/-**

**Rakesh Mohan Pandey**

**JUDGE**

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