CGHC010406302026 2026:CGHC:45710

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 10206 of 2026

- Sanju @ Sanjay Gupta S/o Arvind Gupta Aged About 30 Years R/o - Near Bimla Kirana Stores, Nehru Nagar, Police Station - City Kotwali, Raipur, District - Raipur (C.G.)

... Applicant

versus

- State Of Chhattisgarh Through The Station House Officer, Police Station - City Kotwali, District - Raipur (C.G.)

... Non-Applicant

For Applicant : Mr. Shivendu Pandya, Advocate
For State : Mr. Aakash Shrivastava, Panel Lawyer

Hon'ble Shri Justice Rakesh Mohan Pandey

Order on Board

29.10.2026

1. This is the second bail application filed under Section 483 of the Bhartiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to the applicant who has been arrested in connection with Crime No. 84/2026 registered at Police Station City Kotwali, Raipur District Raipur (C.G.), for the offence punishable under Sections 20(b), 21(b) and 25 of NDPS Act.

2. Earlier, first bail application i.e. MCRC No. 7870 of 2026 was rejected on merits vide order dated 24.08.2026.

3. Case of the prosecution, in brief, is that on 25.02.2026, the Police Station City Kotwali, District Raipur (C.G.), received secret information that the

present applicant along with the co-accused persons were in possession of illicit ganja and prohibited tablets for the purpose of sale. Acting upon the said information, the police conducted a raid and allegedly seized 32 strips, containing 2,400 tablets of Alprazolam Tablets IP 0.5 mg, weighing a total of 360 grams, from the possession of the applicant. Accordingly, aforesaid offence was registered against the applicant.

4. Learned counsel for the applicant would submit that the applicant is innocent and has falsely been implicated in the present case. He further submits that the alleged contraband tablets were seized from an open place and not from the exclusive or conscious possession of the applicant. He would further submit that the applicant is in jail since 26.02.2026, charge-sheet has already been filed, and the trial is likely to take some time to conclude. It is also submitted that the applicant has nine criminal antecedents, and eight cases have already been disposed of and only one case is pending. It is contended that co-accused, Nisar Khan has already been granted regular bail by this Court in MCRC No. 8161 of 2026 vide order dated 02.09.2026, and applicant is entitled for grant of bail on the ground of parity. Thus, he would pray for grant of bail to the present applicant.

5. On the other hand, learned counsel for the State would oppose the bail application and submit that the present applicant has one live criminal antecedent and 360 grams of Alprazolam tablets was seized from his possession. He would further submit that earlier bail application of the applicant was rejected on the ground of his criminal antecedent and the recovery of the contraband substance from his possession. With regard to grant of bail to co-accused Nisar Khan, he would submit that no contraband

substance was recovered from his possession and he was implicated in the present case only on the basis of the memorandum statement of the co-accused. Therefore, case of present applicant is different and he is not entitled for grant of bail on the ground of parity. He would submit that instant application deserves to be rejected.

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

7. Having considered facts and circumstances of the case, nature and gravity of allegations levelled against the present applicant, fact that 360 grams of Alprazolam tablets were allegedly seized from his possession, the applicant has one live criminal antecedent of similar nature. Further, earlier bail application i.e. MCRC No. 7870 of 2026 was rejected on the ground of his criminal antecedent and there is no change in circumstances. With regard to ground of parity, the co-accused Nisar Khan was granted bail as no contraband substance was recovered from his possession and his implication was based on the memorandum statement of co-accused, therefore, the applicant is not entitled for benefit of parity, I am not inclined to allow this bail application.

8. Accordingly, the instant bail application is hereby **rejected**.

Sd/-
(Rakesh Mohan Pandey)
JUDGE

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