CGHC010408642026 2026:CGHC:47040

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 9859 of 2026

Prashant Daga Son Of Satish Daga Aged About 24 Years Resident Of Ishapur, South West Nafajgarh, Police Station - Jafarpur (Delhi)

... Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station - Komakhan, District - Mahasamund (C.G.)

... Respondent(s)

For Applicant	:	Ms. Priyanka Soni, Advocate
For Non-Applicant	:	Mr. Sharad Mishra, P.L.

Hon'ble Shri Justice Rakesh Mohan Pandey

Order on Board

05.11.2026

1. This is the first bail application filed under Section 483 of Bhartiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to the applicant, who has been arrested in connection with Crime No.5/2026, registered at Police Station: Komakhan, District Mahasamund (C.G.) for the offence punishable under Sections 20 (b) (ii) (b) of NDPS Act.

2. As per the prosecution story, in brief, on 09.01.2026, during patrolling, the police personnel of Police Station Komakhan

received secret information through an informant regarding the transportation of cannabis in an Etios car bearing registration No. DL-10-CE-1640. Acting upon the said information, the police personnel conducted a raid at Khariyar Road and allegedly recovered 30 kg of cannabis from the dickey (boot) of the aforesaid Etios car, which was allegedly in the possession of the applicant and the other co-accused.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the present case. It is submitted that the alleged contraband was recovered from the dickey of the vehicle and no contraband was recovered from the personal possession of the applicant. It is further submitted that the applicant has no concern with the alleged offence and that the prosecution has failed to establish his conscious possession of the alleged contraband. Hence, the applicant may kindly be enlarged on bail.

4. Per contra, learned counsel for the State vehemently opposes the bail application and submits that the applicant, along with the other co-accused persons, was found in possession of 30 kg of cannabis, which was allegedly being transported in an Etios car bearing registration No. DL-10-CE-1640. It is further submitted that the quantity of contraband seized is commercial in nature and the allegations against the applicant are serious. Learned counsel for the State further submits that, considering the gravity and nature of the offence, the applicant does not deserve the privilege

of bail. Accordingly, it is prayed that the bail application be rejected.

5. I have heard learned counsel for the parties and perused the documents available on record.

6. Upon consideration of the submissions made by the parties and the material available on record, it appears that 30 kg of cannabis (Ganja) was allegedly recovered from the dickey of the Etios car bearing registration No. DL-10-CE-1640, in which the applicant and other co-accused persons were travelling. The alleged quantity of contraband seized falls within the category of commercial quantity as prescribed under the NDPS Act, 1985. In view of the commercial quantity of the contraband allegedly seized, the rigours of Section 37 of the NDPS Act are attracted. At this stage, this Court is not satisfied that there are reasonable grounds for believing that the applicant is not guilty of the alleged offence or that he is unlikely to commit any offence while on bail. Considering the nature and gravity of the allegations, the quantity of contraband allegedly seized and the statutory restrictions imposed under Section 37 of the NDPS Act, this Court is not inclined to enlarge the applicant on bail.

7. Accordingly, the bail application stands rejected.

Sd/-

(Rakesh Mohan Pandey)
JUDGE

Saurabh