CGHC010413422026 2026:CGHC:45945

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 10042 of 2026

1 - Manki Kenwat @ Vinita Joshi D/o Late Shri Bhakku Lal Kenwat Aged About 30 Years Resident Of Jairam Nagar, Police Station - Masturi, District - Bilaspur (C.G.), Present Address - Patliputra Nagar, Sarkanda, Police Station - Sarkanda, District - Bilaspur (C.G.)

... Applicant

versus

1 - State Of Chhattisgarh Through Station House Officer, Police Station - Sarkanda, District - Bilaspur (C.G.)

... Non-applicant

For Applicant	:	Mr. Dhirendra Prasad Mishra, Advocate
For Non-applicant	:	Mr. Vivek Sharma, PL

Hon'ble Shri Justice Rakesh Mohan Pandey

Order On Board

30.10.2026

1) The applicant has preferred this third Bail Application 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.482/2026 registered at Police Station Sarkanda,Bilaspur (C.G.), for the offence under Section 20(b) of NDPS Act. Earlier, two bail applications filed by the applicant were rejected on merits in MCRC No. 6627 of 2026 vide order dated 23.07.2026 and MCRC No. 7699 of 2026 vide order dated 19.08.2026.

2) The prosecution case, in brief, is that on 12.04.2026, Bharat Lal Rathore, Sub-Inspector, Police Station Sarkanda, received secret

information regarding illegal possession and sale of ganja by co-accused Sudama Kenwat @ Rani Yadav at Patliputra, Rajkishore Nagar, Bilaspur. Acting on the said information, the police party conducted a raid and found the present applicant and co-accused sitting on two scooters outside a house. During the search, 5 kilograms of ganja, one Scooty, one car, two wristwatches, one mobile phone and cash amounting to Rs.5,98,030/- were allegedly seized from the possession of the applicant, whereas 1 kilogram of ganja and other articles were seized from the co-accused. Accordingly, the offence was registered against the applicant under the relevant provisions of the NDPS Act. Hence, the present bail application.

3) Learned counsel for the applicant submits that the applicant is innocent and has falsely been implicated in the present case. He would submit that two earlier bail applications of the applicant were rejected on merits in MCRC No.6627 of 2026 vide order dated 23.07.2026 and MCRC No.7699 of 2026 vide order dated 19.08.2026. He would further submit that the applicant is a woman suffering from serious medical ailments, including a fracture of the hip bone and a gynecological ailment, requiring specialized treatment at a higher medical centre. He further submits that the applicant is in custody since 12.04.2026, has only one live criminal antecedent of a similar nature, and the trial is still at the stage of framing of charges, with only one out of 19 prosecution witnesses have been examined till date. He further submits that the alleged recovery of 5 kilograms of ganja is of intermediate quantity. Therefore, he prays for grant of regular bail to the applicant.

4) On the other hand, learned State counsel opposes the bail application and submits that the charge-sheet has already been filed before the competent Court. He further submits that the applicant has been provided with necessary medical treatment for the injuries sustained by her while in custody. He also submits that the applicant has two criminal antecedents under the NDPS Act, which indicate her involvement in similar offences. He would further contend that the two earlier bail applications of the applicant were rejected on merits and there is no substantial change in circumstances warranting reconsideration of the prayer for bail. Therefore, the applicant is not entitled to be released on bail.

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

6) It is a well-settled principle of law that, while considering a bail application, the High Court cannot conduct a mini-trial or undertake a detailed examination of the evidence. The reliability and credibility of the witnesses are matters to be assessed by the learned Trial Court during the course of trial.

7) Having considered the submissions made by learned counsel for the parties, the material available on record, the nature and gravity of the allegations and the role attributed to the applicant, it appears that a total quantity of 5 kilograms of ganja has been seized from the possession of the applicant. It is further relevant to note that the applicant has two previous criminal antecedents under the NDPS Act, pertaining to the years 2024 and 2026 which prima facie indicate her repeated involvement in similar offences. In this regard, reliance may

also be placed on the judgment rendered by the Supreme Court in **Deepak Yadav v. State of Uttar Pradesh & Another, reported in (2022) 8 SCC 559**, wherein the Supreme Court cancelled the bail granted to the accused therein, taking into consideration, inter alia, his criminal antecedents. It is further noteworthy that the earlier two bail applications preferred by the applicant were rejected on merits by this Court. Thereafter, no substantial change in circumstances has been brought on record warranting reconsideration of the prayer for grant of bail. The grounds raised in the present application do not disclose any such change in circumstances so as to take a different view from the one already taken by this Court while rejecting the earlier bail applications.

8) In view of the nature and gravity of the allegations, the quantity of contraband allegedly seized from the possession of the applicant, her previous criminal antecedents under the NDPS Act and the fact that the earlier two bail applications were rejected on merits without there being any substantial change in circumstances, this Court is not inclined to grant bail to the applicant. Accordingly, the bail application is **rejected.**

sd/-

(Rakesh Mohan Pandey)
JUDGE

Rekha