CGHC010414362026 2026:CGHC:46568

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 10091 of 2026

1 - Raman Chauhan S/o Bhojram Chauhan Aged About 22 Years R/o Behind I.T.I. Sariya Deepapara, Ward No. 14, Tehsil And Police Station Sariya Distt- Sarangarh-Bilaigarh (C.G.)

... Applicant

Versus

1 - State Of Chhattisgarh Through The District Magistrate Raigarh (C.G.) (Concerned Police Station- Lailunga, District- Raigarh (C.G.)

... Non-applicant

For Applicant	:	Mr. Hari Agrawal, Advocate
For Non-applicant	:	Ms. Sharmila Singhai, Additional Advocate General along with Mr. H.A.P.S. Bhatia, Government Advocate

SB: Hon'ble Shri Parth Prateem Sahu, Judge

ORDER ON BOARD

03/11/2026

1. This is the first bail application filed by the applicant under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail, as he has been arrested in connection with Crime No. 0166/2026 registered at Police Station – Lailunga, District – Raigarh, Chhattisgarh for the offences punishable under Section 21 (c) of the Narcotic Drugs and Psychotropic Substances (NDPS) Act, 1985.

2. Case of the prosecution, in brief is that on 18.05.2026, Assistant Sub-Inspector Parmeshwar Nath Singh received secret information that the

applicant was possessing illegal intoxicating ONEREX Cough Syrup in the forest of Village Diyagarh with an intention to sell the syrup. Upon receiving the said information, the police authorities along with two witnesses reached the spot and upon searching the applicant, they recovered 06 cartons containing 180 bottles of ONEREX Cough Syrup of 100 ml each, Batch No. ONTS 2143, totalling 18,000 ml and thereafter, seized the same. Based upon the said incident, the aforementioned FIR was registered and the applicant was arrested on 18.05.2026.

3. Learned counsel for the applicant submits that applicant is innocent, he has been falsely implicated in the crime. He has not committed any offence as alleged. He submits that according to instructions, applicant was taken by the police, where he was assaulted and only to save themselves, the police authorities have implicated the applicant in the offence. He submits that as of now, three witnesses have been examined before the learned Trial Court. According to witness Vinod Kujur P.W. – 3, who is a police personnel and accompanied with the Investigating Officer has stated that he left along with the Investigating Officer at about 05:00 P.M whereas, the proceedings by the Investigating Officer is contrary which *prima facie* shows that false case has been prepared against the applicant. He also pointed out that when question is put to this witness, he barely made statement that entry made in the Rojnamchasanha with regard to the time is not correct. Applicant was arrested on 18.05.2026, he was interrogated. Investigation is complete, charge-sheet has been filed, no custodial interrogation is required. Hence, the applicant may be enlarged on bail.

4. On the other hand, learned State counsel opposes the submission made by counsel for the applicant and would submit that after receiving the secret information, police reached the spot and have intercepted the applicant and upon search, seized 180 bottles of ONEREX Cough Syrup

of 100 ml each. The argument which is advanced by the counsel for applicant with regard to the discpreancy in the *Rojnamchasanha* is subject matter of appreciation by the learned Trial Court.

5. At this stage, learned counsel for the applicant would submit that the witnesses Vinod Kujur P.W. – 3, who is the Constable in his statement has stated that they started from the police station at about 17:40 (05:40 P.M.) on 18.05.2026 and at the time of starting from the police station for patrolling, the Investigating officer has received secret information whereas, the seizure of the cough syrup is on 18.05.2026 at 16:35 (04:35 P.M.).

6. I have heard learned counsel for the respective parties and perused the documents filed along with the bail application.

7. Taking into consideration, facts and circumstances of the case, nature of allegations, submission of learned counsel for the respective parties, there is no criminal antecedent of the applicant as stated by both the counsels, investigation is complete, charge-sheet has been filed, documents enclosed along with the bail application, trial is likely to take sometime, without commenting anything on merits of the case, I am inclined to allow this application for grant of bail.

8. Accordingly, the bail application filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 is allowed and it is directed that applicant shall be released on bail upon his furnishing a personal bond in the sum of Rs. 25,000/- with one surety in the like sum to the satisfaction of Trial Court concerned on the conditions that:

> *(a) The applicant shall file an undertaking to the effect that he shall not seek any adjournment on the dates fixed for evidence when the witnesses are present in court. In case of default of this condition, it shall be open for the trial court to treat it as abuse of liberty of bail and pass orders in accordance with law.*
> *(b) The applicant shall remain present before the trial court on each date fixed, either personally or through his counsel. In case of his absence, without*

sufficient cause, the trial court may proceed against him under Section 269 of Bharatiya Nyaya Sanhita.

(c) In case, the applicant misuses the liberty of bail during trial and in order to secure her presence, proclamation under Section 84 of BNSS. is issued and the applicant fails to appear before the court on the date fixed in such proclamation, then, the trial court shall initiate proceedings against him, in accordance with law, under Section 209 of the Bharatiya Nyaya Sanhita.

(d) The applicant shall remain present, in person, before the trial court on the dates fixed for (i) opening of the case, (ii) framing of charge and (iii) recording of statement under Section 351 of BNSS. If in the opinion of the trial court absence of the applicant is deliberate or without sufficient cause, then it shall be open for the trial court to treat such default as abuse of liberty of bail and proceed against him in accordance with law.

9. Office is directed to send a certified copy of this order to the trial Court concerned for necessary information and compliance forthwith. Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
Judge

Dey