CGHC010416712026 2026:CGHC:45944

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 10110 of 2026

1 - Yogesh Kumar Puniya S/o Shri Maman Singh Puniya Aged About 27 Years R/o Village Sindhvi Khera, Jind City, Tehsil And District Jind, Haryana

... Applicant

REKHA SINGH
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DN: cn=REKHA SINGH, ou=HIGH COURT, o=HIGH COURT OF CHHATTISGARH, st=Chhattisgarh, c=IN
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versus

1 - State Of Chhattisgarh Through Police Station Nagarnar, District Bastar Chhattisgarh **... Non-applicant**

For Applicant	:	Mr. Pragalbha Sharma, Advocate
For Non-applicant	:	Mr.Sourabh Sahu, PL

Hon'ble Shri Justice Rakesh Mohan Pandey

Order On Board

30.10.2026

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. 175/2024 registered at Police Station - P.S. Nagarnar, District - Bastar (C.G.), for the offence punishable under Section 20(b)(ii) (C) of the Narcotic Drugs and Psychotropic Substances Act, 1985. Earlier first bail application of the applicant bearing MCRC No.9076 of 2025 was rejected on merits vide order dated 12.11.2025.

2) The prosecution case, in brief, is that the applicant/accused, namely Yogesh Kumar Puniya, a resident of Haryana, was apprehended by the police of Police Station Nagarnar, District Bastar, on 26.09.2024 while

transporting ganja in a white Ford car bearing registration No. HR-20-AD-0059. Acting on secret information, the police intercepted the vehicle near the Power Grid at Tarighat and, in the presence of witnesses, conducted a search in accordance with the provisions of the Narcotic Drugs and Psychotropic Substances Act, 1985 (NDPS Act). During the search, 48 packets containing a total quantity of 251.500 kilograms of ganja were recovered from the trunk of the vehicle, having an estimated market value of Rs.15,15,000/-. Two mobile phones and cash amounting to Rs.1,500/- were also seized. Accordingly, a case was registered against the applicant under Section 20(b)(ii)(C) of the NDPS Act for possession and transportation of commercial quantity of ganja, and he was taken into custody.

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 the applicant is a driver by profession and was merely driving the vehicle on the instructions of his employer/owner, without having any knowledge of the alleged contraband kept in its closed trunk. He further submits that the applicant was neither the owner nor in conscious possession of the alleged contraband. He would further submit that the mandatory provisions of Sections 42, 50 and 57 of the NDPS Act have not been duly complied with. The investigation is complete, the charge-sheet has been filed, the applicant has no criminal antecedents and is in jail since 26.09.2024. It is further contended that the first bail application of the applicant was rejected on merits in MCRC No.9076 of 2025 vide order dated 12.11.2025. 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 a huge quantity of 251.500 kilograms of ganja, much more than the commercial quantity prescribed under the NDPS Act, was recovered from the vehicle in which the applicant was travelling. He would further submit that the applicant has failed to offer any satisfactory explanation regarding the transportation of such a huge quantity of contraband. He would contend that the first bail application of the applicant was rejected on merits and the challenge to said order before the Supreme Court by way of SLP (Crl.) No.10964 of 2026 was dismissed as withdrawn vide order dated 17.09.2026. He would further contend that 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) Having considered the facts and circumstances of the case, the nature and gravity of the offence, and the material available in the case diary, particularly the fact that 251.500 kilograms of ganja was allegedly recovered from 48 packets kept in the trunk of the vehicle bearing registration No. HR-20-AD-0059, which is much more than the commercial quantity prescribed under the NDPS Act; the fact that the applicant was apprehended while travelling in the said vehicle along with the co-accused; and the seizure of two mobile phones and cash amounting to Rs.1,500/- from the accused persons, this Court finds that the allegations against the applicant are serious in nature. The contention of learned counsel for the applicant that he was merely

driving the vehicle on the instructions of his employer and had no knowledge of the contraband cannot be accepted at this stage, particularly in view of the huge quantity of ganja allegedly being transported in the vehicle. The question of conscious possession and the defence raised by the applicant would require proper appreciation of the evidence during trial. Further, the rigours of Section 37 of the NDPS Act are attracted, as the alleged recovery is of commercial quantity, and this Court is not satisfied, at this stage, that there are reasonable grounds for believing that the applicant is not guilty of the alleged offence. It is also relevant that the first bail application of the applicant was rejected on merits and the challenge to said order before the Supreme Court in SLP (Crl.) No.10964 of 2026 was dismissed as withdrawn vide order dated 17.09.2026. No substantial change in circumstances or any fresh ground has been brought to the notice of this Court warranting reconsideration of the earlier order. The fact that the applicant is in custody since 26.09.2024 and that the investigation has been completed, by themselves, are not sufficient to overcome the statutory restrictions under Section 37 of the NDPS Act. Therefore, without expressing any opinion on the merits of the case, this Court is not inclined to enlarge the applicant on bail. Accordingly, the bail application is **rejected.**

Sd/-

(Rakesh Mohan Pandey)
JUDGE

Rekha