CGHC010421612026

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 10368 of 2026

Iftekhar Khan S/o Ayub Khan Aged About 39 Years R/o Gandhi Nagar, Bhilai-03, Near Canal, P.S. Bhilai-3, Distt. Durg, C.G.

... Applicant(s)

versus

State Of Chhattisgarh Through Station House Officer, Police Station Khursipar, Dist Durg C.G.

... Non-Applicant(s)

For Applicant	:	Ms. Mugdha Sharma, Advocate.
For Non-Applicant/State	:	Ms. Ankita Shukla, Panel Lawyer

Hon'ble Mr. Rakesh Mohan Pandey, Judge

Order on Board

02/11/2026

1. The applicant has preferred this second bail application 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. 55/2026, registered at Police Station Khursipar, Bhilai, District Durg (C.G.), for the offences punishable under Sections 21(C), 22 and 27(a) of the Narcotic Drugs and Psychotropic

Substances Act, 1985.

2. The earlier first bail application preferred by the applicant was rejected by a coordinate Bench of this Court in MCRC No. 5723/2026 vide order dated 23.07.2026 on merits. Hence, the present second bail application.

3. Prosecution story, in brief, is that on 14.02.2026, the Assistant Sub-Inspector of Police Station Khursipar received secret information regarding illegal possession and sale of intoxicating cough syrup and psychotropic capsules by the applicant and the co-accused from a Tata Safari bearing Registration No. CG-07-CH-9614 near Pt. Deendayal Mini Stadium, Khursipar. Acting upon the said information, the police party reached the spot, intercepted the vehicle and conducted a search in accordance with law. During the search, 17 bottles of AASCOT Cough Syrup, each containing 100 ml, along with cash of Rs. 5,000/-, were allegedly recovered from the possession of applicant Iftekhar Khan, whereas 104 PROXIOHM-SPAS capsules were recovered from the possession of co-accused Mohammed Abbas Raza. Neither of them could produce any valid licence or authority for possessing the seized articles. During investigation, the seized contraband was found to contain Codeine and Tramadol, which are psychotropic substances under the NDPS Act, 1985. The samples of the seized cough syrup were also examined by the Drugs Inspector, Food and Drugs Administration, Durg, who reported that the seized cough syrup falls within the ambit of the

NDPS Act. On the basis of the aforesaid recovery, the present offence was registered against the applicant and the co-accused.

4. Learned counsel for the applicant would submit that the applicant is innocent and has been falsely implicated in the present case. She would further submit that the first bail application of the applicant was rejected by a coordinate Bench of this Court on merits. However, the subsequent development constituting a fresh ground for consideration of the present second bail application is that the similarly situated co-accused, namely, Mohammed Abbas Raza, whose bail application was also rejected by a coordinate Bench of this Court in MCRC No. 6497/2026 vide order dated 23.07.2026 on merits, preferred a Special Leave Petition before the Hon'ble Supreme Court, registered as Special Leave to Appeal (Criminal) No. 14747/2026 and the Hon'ble Supreme Court, vide order dated 05.10.2026, granted him bail therefore, he submits that the case of the present applicant stands on similar footing to that of the aforesaid co-accused, who has already been enlarged on bail by the Hon'ble Supreme Court. Hence, on the ground of parity, the applicant is also entitled to be released on bail. Accordingly, she prays for grant of bail to the applicant.

5. On the other hand, learned State counsel would oppose the prayer for grant of bail and submit that the quantity of contraband recovered in the present case is more than the commercial quantity. However, she is not dispute the fact that the similarly situated co-accused, namely, Mohammed Abbas Raza, has been

granted bail by the Hon'ble Supreme Court vide order dated 05.10.2026 in Special Leave to Appeal (Criminal) No. 14747/2026. She would further submit that the bail granted to the said co-accused cannot be treated as a ground for extending the benefit of parity to the present applicant, as a separate seizure of 104 capsules was made from the possession of co-accused Mohammed Abbas Raza, which was below the commercial quantity, whereas the contraband recovered from the exclusive possession of the present applicant is of a quantity exceeding the commercial quantity. Thus, the case of the present applicant stands on a different footing and the ground of parity is not available to him. Having regard to the nature and gravity of the allegations and the quantity of contraband involved, she prays for dismissal of the present bail application.

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

7. Having considered the facts and circumstances of the case, nature and gravity of the offence alleged against the applicant and particularly, the quantity of contraband allegedly recovered from his exclusive possession, which is stated to be more than the commercial quantity, this Court is not inclined to grant bail to the applicant. The case of co-accused Mohammed Abbas Raza, who has been granted bail by the Hon'ble Supreme Court, stands on a different footing, as the quantity of contraband recovered from his possession was below the commercial quantity. Therefore, the

applicant is not entitled to claim parity. It is also relevant that the earlier first bail application of the applicant was rejected by a coordinate Bench of this Court on merits. No fresh ground is made out for reconsideration of the prayer for bail.

8. Accordingly, the present second bail application is **rejected**.

Sd/-
(Rakesh Mohan Pandey)
Judge

Kunal