CGHC010424222026 2026:CGHC:46018

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRCA No. 1789 of 2026

1 - Shekh Gulam Ahmad S/o S/o Late Shekh Madina Aged About 43 Years R/o Village New Hirli, Gram Panchayat Agnipur, Police Station And District Nabarangpur, Odisha, Chhattisgarh

... Applicant

Versus

1 - State Of Chhattisgarh Through Police Station Mainpur, District Gariyaband (C.G.)

... Non-applicant

For Applicant	:	Mr. Md. Afroz Akhtar, Advocate
For Non-applicant	:	Dr. Surendra Dewangan, Panel Lawyer

S.B.: Hon'ble Shri Parth Prateem Sahu, Judge

ORDER ON BOARD

30/10/2026

1. Applicant has preferred this application under Section 482 of Bhartiya Nagrik Suraksha Sanhita, 2023 for grant of anticipatory bail as he apprehends his arrest in connection with Crime No. 88/2026 registered at Police Station- Mainpur, District – Gariyaband (C.G.) for the offence punishable under Sections 20 (b) of the NDPS, Act, 1985 and 335 of the BNS, 2023.

2. Case of prosecution, in brief, is that, the police authorities received secret information that the co-accused Shiv Prasad Saini is possessing 4 Kgs of

Contraband (Ganja) and thereafter, when the police authorities apprehended the co-accused, they recovered the contraband (Ganja) from his possession weighing about 4 kgs. Thereafter, the co-accused person Shiv Prasad Saini was arrrested for the offence punishable under Section 20 (b) of the NDPS Act, 1985 and during the course of investigation, he purchased the contraband (Ganja) from the owner of the mobile no. 9078510090 which is registered in the name of applicant. On the basis of the statement of the co-accused, the applicant was also made accused in the aforementioned crime against which, he is apprehending his arrest.

3. Learned counsel for the applicant would submit that the applicant is innocent. He has been falsely implicated in the crime. He has not committed any offence as alleged. He submits that the applicant has been made accused only on the basis of the co-accused Shiv Prasad Saini. There is no apprehension of his absconding and he will participate in the investigation and co-operate in the trial. There are no criminal antecedent registered against the applicant. Hence, he may be enlarged on bail.

4. On the other hand, learned State counsel opposes the submission of counsel for applicant and would submit that apart from the memorandum statement of the co-accused Shiv Prasad Saini, the other evidence available against the applicant is mobile conversation of applicant with the co-accused Shiv Prasad Saini on 08.07.2026 and 09.07.2026 and 16.07.2026. However, he do not dispute the submission of counsel for the applicant that the applicant is having no other criminal antecedent.

5. I have heard learned counsel for the respective parties.

6. On due consideration of the facts and circumstances of the case, nature of allegation, submission of learned counsel for the parties, applicant has

been made accused on the basis of the memorandum statement of the co-accused Shiv Prasad Saini, there is no other criminal antecedent against him, without commenting anything on merits, I am inclined to allow this anticipatory bail application.

7. Accordingly, application is allowed and it is directed that in the event of arrest of applicant, he shall be released on anticipatory bail by the Officer arresting him on his executing a personal bond in the sum of ₹25,000/- with one surety in the like sum to the satisfaction of the concerned arresting Officer. Applicant shall also abide by the following conditions:

(i) that the applicant shall make himself available for interrogation before the Investigation Officer as and when required;

(ii) that the applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;

(iii) that the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and

(iv) that the applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial

8. Office is directed to send a certified copy of this order to the trial Court concerned for necessary information and compliance forthwith.

Sd/-

(**Parth Prateem Sahu**)

Judge

Dey