



CGHC010429032026 2026:CGHC:46744

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 10516 of 2026

Raj Das S/o Late Virendra Das. Aged About 22 Years R/o New Shanti Nagar, Anurat Residency, Civil Lines, Police Station, Raipur Chhattisgarh.

... Applicant

versus

State Of Chhattisgarh Through- Station House Officer, Polie Station Ganj, District Raipur (C.G.).

... Respondent

For Applicant	:	Mr. Shikhar Agnihotri, Advocate along with Mr. Aditya Bhagwani, Advocate
For Respondent-State	:	Ms. Avelin Juneja Gambhir, Panel lawyer

Hon'ble Shri Parth Prateem Sahu, Judge

ORDER ON BOARD

04.11.2026

1. Applicant has filed this **second bail application** under Section 483 of Bhartiya Nagrik Suraksha Sanhita, 2023 for grant of regular bail as he has been arrested in connection with Crime No. 14/2026 registered at Police Station –Ganj, District- Raipur (C.G.) for offence punishable under Section 22(c) of NDPS Act. First bail application of the present applicant was withdrawn with liberty to revive the same after

examination of seizure witnesses vide order dated 08.09.2026 in MCRC No. 8285/2026.

2. Case of prosecution in brief is that prosecution has lodged a report against the applicant with the allegation that the Police apprehended the applicant along with two other co-accused persons, namely, Bhavesh Khatwani and Praveen Baghel from Expressway Road near Memon Saray Bhawan, Raipur with a sweater in the plastic bag from Bhavesh Khatwani, which contained about 3000 tablets of Nitrazepam, weighing a total of 1.68 kgs. Based upon which crime was registered and applicant was arrested.

3. Learned counsel for applicant submits that applicant has been falsely implicated in the crime, he has not committed offence as alleged. He further submits that applicant has been falsely implicated in the crime after withdrawal of the first bail application two independent witnesses have been examined who were declared hostile and have not supported the case of prosecution. He submits that alleged tablets have been seized from the car and applicant is only the occupant not the owner of the car. The said car is owned by Bhavesh Khatwani. Also there is no criminal antecedent registered against the present applicant. Hence he may be enlarged on bail.

4. On the other hand, learned counsel for State opposes the submission made by learned counsel for the applicant. However, on putting specific query she submits that the alleged tablets have been seized from the car whose owner is Bhavesh Khatwani and not from the exclusive possession of applicant. She also do not dispute the fact that there is no criminal antecedent registered against the applicant.

5. I have heard learned counsel for the parties and perused the documents enclosed along with the bail application.

6. Taking into consideration the facts and circumstances of the case as also the submission made by learned counsel for the respective parties and further considering that the alleged tablets have been seized from the car whose owner is not the applicant, without commenting anything on the merits of the case, I am inclined to allow this application.

7. Accordingly, bail application is **allowed**. It is directed that the applicant shall be released on regular bail, upon furnishing a bail bond in the sum of ₹ 25,000/- with one surety in the like sum to the satisfaction of the Court 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 him counsel. In case of him 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 his 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.

8. 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

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