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PAWAN KUMAR JHA
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HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 10539 of 2026

- Subham Gotiya Alias Subbu S/o Munnalal Gotiya, Aged About 30 Years Residence Of Village Cherital, Behind Kanya Shala, Jabalpur, Thana City Kotawali, Jabalpur, Tehsil Jabalpur Dist. Jabalpur, Madhya Pradesh.

... Applicant

versus

- State Of Chhattisgarh Through Police Station Tumgaon Distt. Mahasamund, C.G.

... Non-applicant

For Applicant	:	Mr. Waquor Naiyer, Advocate
For Respondent-State	:	Mr. Afroz Khan, Panel Lawyer

Hon'ble Shri Parth Prateem Sahu, Judge

ORDER ON BOARD

04/11/2026

1. Applicant has filed this **fourth 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. 33/2026 registered at Police Station – Tumgaon, District Mahasamund (C.G.) for offence punishable under Section 20(B)ii(C) of NDPS Act.

2. Case of prosecution in brief is that on 31.01.2026, Assistant Sub-Inspector of Police, Police Station Tumgaon, received secret information that five persons were transporting ganja from Nuapada, Odisha, towards Raipur on two scooters and a motorcycle. Based on the information, police intercepted them near Amavas Mod Tiraha on NH-53. The persons were identified as Deva

Mandal alias Babai, Imran Khan, Shakeel Khan, Shubham Gotiya (present applicant) and Somat Sonkar. During a search, the police recovered 9.100 kg of ganja from a white bag kept in scooty bearing registration No. OD 26 G 6338, 7.100 kg from another white bag kept in scooty bearing registration No. OD 26 H 7728, and 4.800 kg from an orange bag kept on the fuel tank of an unregistered motorcycle. Thus, a total of 21 kg of ganja, valued at approximately ₹10,50,000/-, was allegedly recovered from their joint possession. The contraband and vehicles were seized. Based on which, aforementioned crime was registered and the accused persons were arrested.

3. Learned counsel for applicant submits that applicant has been falsely implicated in the crime, he has not committed any offence as alleged. He submits that according to the case of prosecution, contraband Ganja kept in two plastic bag has found transporting on a TVS Jupiter Scooty bearing registration No. OD 26 H 7728, the said vehicle was being driven by co-accused Shakeel Khan and applicant was pillion rider. Applicant was not aware of transportation of contraband Ganja. There is no other criminal antecedent of applicant of similar nature. He is in jail since 31.01.2026, charge-sheet has been filed, trial may take some time. Hence, he may be enlarged on bail.

4. On the other hand, learned State counsel opposes the submission of learned counsel for applicant. However, he does not dispute the factual submission of learned counsel for applicant that he was a pillion rider on the scooty from which 7.100 kg of contraband Ganja was being transported and that there is no other criminal antecedent of applicant of similar nature.

5. I have heard learned counsel for the parties.

6. Taking into consideration, facts and circumstances of the case, nature of allegation, submission of learned counsel for the parties, without commenting anything on merits of the case, I am inclined to allow this bail 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 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 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 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.

Sd/-

(Parth Prateem Sahu)
JUDGE

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