CGHC010437392026

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 10591 of 2026

Harpal Singh S/o Late Sukhdev Singh Aged About 27 Years R/o Road No. 18 Near Sangram Chowk, Ward No.-02, Camp-1, Vaishali Nagar, Tehsil And District- Durg, Chhattisgarh.

... Applicant(s)

versus

State Of Chhattisgarh Through Police Station- Durg Kotwali District- Durg Chhattisgarh

... Non-Applicant(s)

For Applicant	:	Mr. Virendra Kashyap, Advocate.
For Non-Applicant/State	:	Ms. Smriti Shrivastava, Panel Lawyer

Hon'ble Mr. Rakesh Mohan Pandey, Judge

Order on Board

05/11/2026

1. This is the third bail application filed by the applicant 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. 172/2025 registered at Police Station Durg Kotwali, District Durg (C.G.), for the offences punishable under Sections 21(A) and 27(A) of the Narcotic Drugs and Psychotropic

Substances Act, 1985 (for short, ‘the NDPS Act’).

2. Earlier, the first and second bail applications of the applicant were rejected by a Coordinate Bench of this Court primarily on the ground that the applicant has one previous criminal antecedent under the NDPS Act. Hence, the present third bail application.

3. As per the prosecution story, on 22.04.2025, acting upon secret information, the police conducted a raid near Shivnath River, Mahamara Road, Durg, and allegedly seized 76.69 grams of Chitta (Heroin) from three co-accused persons. During investigation, the involvement of the present applicant surfaced on the basis of the statements of co-accused persons, whereupon he was arrested on 25.04.2025.

4. Learned counsel for the applicant would submit that the applicant is innocent and has been falsely implicated in the present case. He would further submit that the first and second bail applications of the applicant were rejected on the ground of his previous criminal antecedent under the NDPS Act. However, no contraband substance has been recovered from the possession of the present applicant and the alleged recovery of 76.69 grams of Heroin was made from the co-accused persons. He would also submit that after rejection of the second bail application, material prosecution witnesses, namely PW-01 Jagdish Prasad Soni and PW-02 Dinesh Sahu, have been examined before the learned trial Court. Both witnesses did not identify the present applicant and did not

support the alleged proceedings in his presence. Thus, there is a subsequent change in circumstances. He would further submit that similarly situated co-accused Lavprit Singh @ Vicky and Vikramjeet Singh @ Vicky have already been granted bail vide order dated 14.01.2026 passed in MCRC No. 8910/2025. So far as the criminal antecedent of the applicant is concerned, he has one previous case under the NDPS Act, registered in the year 2025, in which he has already been granted bail, though the trial is still pending. The applicant is in jail since 25.04.2025 and the conclusion of the trial is likely to take considerable time. Therefore, he prays for grant of bail.

5. On the other hand, learned State counsel would oppose the prayer for grant of bail and submit that the first and second bail applications of the applicant have already been rejected by a Coordinate Bench of this Court, primarily on the ground of his previous criminal antecedent under the NDPS Act. He would further submit that the said previous NDPS case is still pending trial and, therefore, the applicant is a habitual offender and is not entitled to be released on bail.

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 allegations, the fact that the first and second bail applications of the applicant have already been rejected by a

Coordinate Bench of this Court on the ground of criminal antecedent under the NDPS Act and further considering that the applicant has one previous criminal antecedent under the NDPS Act in Crime No. 205/2025, wherein he has been granted bail but the trial is still pending, this Court is of the considered opinion that the subsequent examination of PW-01 and PW-02 does not constitute a sufficient change in circumstances to warrant reconsideration of the prayer for bail. The applicant has failed to make out any fresh ground for grant of bail.

8. Accordingly, the third bail application fo the applicant is hereby **rejected**.

Sd/-
(Rakesh Mohan Pandey)
Judge

Kunal