



2026:CGHC:3608



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NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****MCRC No. 757 of 2026**

Idris Khan @ Pintu S/o Niyaz Ahmad Aged About 35 Years (Wrongly Mentioned As 25 Years), R/o Ward No. 08, Village - Podi, Out Post- Podi, Police Station- Bodla, District- Kabirdham (C.G.)

... Applicant**versus**

State of Chhattisgarh Through Station House Officer, Police Station- Bodla, District- Kabirdham (C.G.)

... Non-applicant

For Applicant	: Ms. Divya Sahu, Advocate.
For Non-applicant/State	: Mr. Shubham Bajpai, Panel Lawyer.

Hon'ble Mr. Ramesh Sinha, Chief Justice**Order on Board****21.01.2026**

1. This is the first bail application filed under Section 483 of the Bhartiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to the applicant who has been arrested in connection with Crime No. 198/2025 registered at Police Station Bodla, District Kabirdham (C.G.) for the offence under Section 20(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985.
2. The case of the prosecution, in brief, is that on 26.11.2025, the police of Police Station Bodla received secret information that two persons were transporting ganja on a grey-coloured scooty without a registration



number from Podi, Bodla towards Chilfi. On the basis of the said information, the police conducted a raid in front of the Forest Check-post on Main Road N.H. 30, near Bandhatola, Bodla, where two persons were found riding a grey-coloured scooty. The police team stopped them, and upon inquiry, they disclosed their names as Idris Khan @ Pintu and Ramnath Yadav. During the search, the police allegedly recovered a psychotropic substance, namely ganja, in two packets kept under the seat and wrapped in khaki-coloured tape, weighing a total of 1.958 kilograms. Thereafter, the police of Police Station Bodla, District Kabirdham (C.G.), registered an FIR bearing Crime No. 198/2025 for the offence punishable under Section 20(b) of the NDPS Act, and the accused persons were arrested.

3. It has been argued by learned counsel for the applicant that the applicant has been falsely implicated in this case. She further submits that prosecution agency has not followed the provisions under Section 42 of the NDPS Act and not taken search warrant from the superior authority. She also submits that from the possession of the joint possession of the applicant and other co-accused intermediate quantity of Ganja was seized, and therefore, it will not attract the rigors of Section 37 of the NDPS Act as the commercial quantity of Ganja as prescribed under the schedule is more than 20 Kgs and from the joint possession of the applicant and other co-accused 1.958 kgs of Ganja was seized. It is further submitted by the learned counsel for the applicant that the applicant has only 01 criminal antecedent under the Excise Act, which is a pending trial. She further submits that the applicant is in jail since 26.11.2025, conclusion of the trial is likely to take quite long time. Therefore, she prays for grant of regular bail to the applicant.



4. On the other hand, learned counsel appearing for the State/non-applicant would oppose the bail application and submit that the charge-sheet has been filed in the present case before the competent Court.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Taking into consideration the facts and circumstances of the case that the contraband article *i.e.* 1.958.400 Kgs of Ganja was recovered from the joint possession of the applicant and other co-accused, which is less than commercial quantity. Moreover, the present applicant has no criminal antecedents under NDPS Act, also considering the fact that the charge-sheet has been filed in the present case before the competent Court and the applicant is in jail since 26.11.2025, conclusion of the trial may take some time, therefore, this Court is of the view that the applicant is entitled to be released on bail in this case.
7. Let the Applicant - **Idris Khan @ Pintu**, involved in Crime No. 198/2025 registered at Police Station Bodla, District Kabirdham (C.G.) for the offence under Section 20(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985, be released on bail on furnishing **personal bond** with **two sureties** in the like sum to the satisfaction of the Court concerned with the following conditions:-
 - (i) 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.
 - (ii) 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.

(iii) 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.

(iv) 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.

**Sd/-
(Ramesh Sinha)
Chief Justice**

Abhishek