



2026:CGHC:4027-DB



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NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****WPCR No. 40 of 2026**

Manoj Yadav S/o Pardesh Yadav Aged About 30 Years R/o Ward No. 06
Shanti Nagar Tifra, Post Tifra, Police Station - Sirgitti, District Bilaspur
Chhattisgarh

... Petitioner(s)**versus**

1. State of Chhattisgarh Through Secretary, Department of Home Affairs, Mahanadi Bhawan, Atal Nagar, Naya Raipur Chhattisgarh
2. Superintendent of Jail Central Jail, Bilaspur, District - Bilaspur Chhattisgarh
3. Collector Bilaspur, District - Bilaspur Chhattisgarh

...Respondent(s)

(Cause-title taken from Case Information System)

For Petitioner	:	Ms. Anjali Pradhan, Advocate.
For Respondent/State	:	Mr. Priyank Rathi, Government Advocate.

Hon'ble Shri Ramesh Sinha, Chief Justice**Hon'ble Shri Ravindra Kumar Agrawal, Judge****Order on Board****Per Ramesh Sinha, Chief Justice****23.01.2026**

1. Heard Ms. Anjali Pradhan, learned counsel for the petitioner. Also heard Mr. Priyank Rathi, learned Government Advocate, appearing for the State/respondents.



2. The present writ petition has been filed by the petitioner with the following prayers:

“i. That, this Hon’ble Court may kindly be pleased to quash the order dated 28.11.2025 (P-1) passed by the respondent No. 3 and direct the respondent No. 3 to release the petitioner on leave as applied by him for a period of 15 days.

ii. Any other relief, which this Hon’ble Court deems, fit in the facts and circumstances may also be granted in favour of the petitioner.”

3. Learned counsel for the petitioner submits that the petitioner has been convicted in Crime No. 194 of 2023 registered at Police Station Navagarh, District Bemetara (C.G.), for offences punishable under Sections 21(C) and 29 of the NDPS Act, vide judgment dated 06.01.2024. The petitioner has been sentenced to undergo rigorous imprisonment for a period of ten years for the said offences. It is submitted that the petitioner has been in custody since 27.08.2023 and has not been released on parole even once. Learned counsel further contends that aggrieved by the aforesaid conviction and sentence, the petitioner has preferred Criminal Appeal (CRA) No. 373 of 2024 before this Court, wherein his application for suspension of sentence and grant of bail is presently pending consideration.

4. Learned counsel for the petitioner would further submit that the petitioner preferred an application for grant of ordinary leave/parole



before respondent No. 3. However, the said application has been rejected summarily without due compliance with the mandatory provisions of the Chhattisgarh Prisoners' Leave Rules, 1989. It is contended that respondent No. 3 rejected the application solely on the basis of the recommendation of the concerned Senior Police Officer, District Bilaspur (C.G.), without independent application of mind.

5. It is further contended that, as per the letter dated 14.11.2025 issued by the Station House Officer, Sirgitti, District Bilaspur, an apprehension was expressed that there exists a possibility of the petitioner absconding if released on ordinary temporary leave. On the basis of the said apprehension, the Senior Superintendent of Police, Bilaspur did not recommend grant of parole to the petitioner, which ultimately resulted in passing of the impugned order dated 28.11.2025 by respondent No. 3. Learned counsel submits that the said order suffers from a blatant violation of the provisions of the Rules of 1989, particularly Rule 9, which provides for sufficient safeguards to ensure compliance with parole conditions. It is argued that the petitioner has never been released on parole since his incarceration. Learned counsel further submits that the learned District Magistrate rejected the petitioner's application without recording any specific finding, as mandated under Rule 6 of the Rules of 1989, that grant of leave would be detrimental or undesirable in public interest. It is contended that the authority mechanically accepted the police recommendation without appreciating that the Rules of 1989 adequately address apprehensions regarding breach of parole conditions or commission of any offence



during parole. On these grounds, it is urged that the impugned order suffers from non-application of mind and violation of statutory provisions and is, therefore, liable to be quashed.

6. Learned State counsel, per contra, vehemently opposes the submissions advanced on behalf of the petitioner and submits that the petitioner is a convicted offender for serious and grave offences under Sections 21(C) and 29 of the NDPS Act. It is submitted that the application for temporary release was duly and objectively considered by the Collector-cum-District Magistrate, Bilaspur (C.G.), strictly in accordance with law and on the basis of the report submitted by the Superintendent of Police. It is emphatically submitted that all relevant documents were carefully examined. Both the Superintendent of Police and the Station House Officer categorically declined to recommend the grant of ordinary temporary release (parole) to prisoner No. 4345/51, Manoj Yadav. Additionally, the Ward Councillor raised a specific objection to the grant of parole. In view of the said material, the competent authority rightly concluded that release of the prisoner on parole would pose a serious threat to public peace and tranquillity, and that the possibility of an untoward incident could not be ruled out. Grant of temporary release, therefore, would be clearly against public interest. It is further submitted that, in consonance with Clause (g) of Section 31 of the Prisoners' Leave Rules, 1989, and keeping paramount the considerations of public interest and maintenance of law and order, the competent authority lawfully and justifiably rejected the petitioner's application for ordinary temporary release. Consequently, the present



petition, being devoid of merit, deserves to be dismissed.

7. Having heard learned counsel for the parties and upon a careful perusal of the record, this Court finds no infirmity, illegality, or procedural impropriety in the impugned order dated 28.11.2025 passed by the Collector-cum-District Magistrate, Bilaspur (C.G.). The decision to reject the petitioner's application for temporary release is not based on a solitary factor, but on a cumulative consideration of relevant material placed on record. The competent authority has taken into account the nature and gravity of the offences under Sections 21(C) and 29 of the NDPS Act, which carry stringent punishment and have a serious impact on society at large.

8. The authority has also duly considered the categorical non-recommendation by both the Superintendent of Police and the Station House Officer, coupled with the specific objection raised by the Ward Councillor, indicating a real and tangible apprehension of disturbance to public peace and tranquillity in the event of the petitioner's release on parole. Such apprehension cannot be said to be vague or speculative, particularly in cases involving offences under the NDPS Act.

9. This Court further observes that the Chhattisgarh Prisoners' Leave Rules, 1989 do not confer an absolute or indefeasible right upon a convict to be released on parole. Grant of temporary release is a matter of discretion, to be exercised by the competent authority upon satisfaction that such release would not be detrimental to public interest or maintenance of law and order. In the present case, the authority has



exercised its discretion within the framework of Clause (g) of Section 31 of the Rules of 1989, after due consideration of all relevant factors.

10. The contention of the petitioner that the authority acted mechanically or without application of mind is, therefore, misconceived. The impugned order reflects due consideration of material on record and cannot be faulted merely because a different view is sought to be taken by the petitioner. In the absence of any arbitrariness, perversity, or violation of statutory provisions, this Court finds no ground to interfere with the impugned order in exercise of its writ jurisdiction.

11. Accordingly, the writ petition, being devoid of merit, deserves to be and is hereby **dismissed**. However, the petitioner is at liberty to move an application for urgent hearing in CRA No.373 of 2024, if he so desires.

**Sd/-
(Ravindra Kumar Agrawal)
Judge**

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