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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 636 of 2026

1 - Santosh Vishwakarma Son Of Dalchand Vishwakarma Aged About 19 Years Resident Of Ayodhya Nagar, Hospital Kesar, P.S. Ayodhya Nagar, District - Bhopal (M.P.)

2 - Tarachand Lodhi Son of Fundi Lal Lodhi Aged About 58 Years Resident Of Ayodhya Nagar, Hospital Kesar, P.S. Ayodhya Nagar, District - Bhopal (M.P.)

... Applicants

versus

State Of Chhattisgarh Through Station House Officer, Police Station Purani Basti Raipur, District - Raipur, Chhattisgarh.

... Respondent

For Applicants	: Shri B.L. Sahu, Advocate.
For	: Smt. Smriti Shrivastava, PL.
Respondent/State	

Hon'ble Shri Ramesh Sinha, Chief Justice

Order on Board

01/04/2026

- The applicants have preferred this First Bail Application under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular



bail, as they have been arrested in connection with Crime No.397/2025, registered at Police Station – Purani Basti, Raipur, District – Raipur (C.G.) for the offence punishable under Section 20(b) (ii) (B) of the N.D.P.S. Act.

2. According to the prosecution story, on 08.10.2025, the police of Police Station Purani Basti, Raipur, acting on information received from an informer, learned that two persons were in possession of illegal narcotic substance (ganja) near Sai Mandir, Radha Swami Nagar Bus Stand Road, for the purpose of sale. Acting upon the said information, the police of Police Station Purani Basti, Raipur conducted a raid in accordance with the provisions prescribed under the NDPS Act. The accused persons were surrounded and apprehended at the place indicated by the informer. Upon search, from the possession of accused Santosh Vishwakarma, a blue-colored bag was recovered containing 6 bundles of illegal narcotic substance (ganja) weighing a total of 6.540 kilograms. Similarly, from the possession of accused Tarachand Lodhi, a black-colored bag was recovered containing 3 bundles of illegal narcotic substance (ganja) weighing a total of 5.216 kilograms. Thus, a total of 11.756 kilograms of illegal narcotic substance (ganja) was seized, and an offence was registered against the accused persons. After completion of investigation, a charge sheet has been filed under Section 20(b) of the NDPS Act.
3. It has been argued by the learned counsel for the applicants that the applicants are innocent and have been falsely implicated in this case. It is also submitted that from the possession of the applicants intermediate quantity of the psychotropic substance ganja has been



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 possession of the applicants only 11.756 kilograms of Ganja has been seized. It is further submitted that charge sheet has been filed, applicants are in jail since 08/10/2025 and the conclusion of the trial is likely to take quite long time. Therefore, he prays for grant of regular bail to the applicants.

4. On the other hand, the learned counsel for the State opposes the bail application and submits that the charge-sheet has been filed in the present case. She would submit that applicant No.1 has no criminal antecedents and applicant No.2 has four criminal antecedents which are not under the NDPS Act. It is submitted that a total of 11.756 of Ganja has been recovered from the possession of the applicants, therefore, this bail application is liable to be rejected.
5. I have heard learned counsel for the parties and perused the material available on record.
6. After hearing the submissions advanced by learned counsel for the parties as well as considering the quantity of Ganja seized from the possession of the applicants i.e. a total of 11.756 kg, which is less than the commercial quantity, further the fact that applicant No.1 has no criminal antecedents and applicant No.2 has four criminal antecedents which are not under the NDPS Act, charge sheet has been filed, applicants are in jail since 08/10/2025 and the conclusion of the trial is likely to take sometime, therefore I am of the opinion that the applicants are entitled to be released on bail in this case.



7. Accordingly, the bail application is allowed and it is directed that the Applicants-**Santosh Vishwakarma & Tarachand Lodhi**, involved in Crime No.397/2025, registered at Police Station – Purani Basti, Raipur, District – Raipur (C.G.) for the offence punishable under Section 20(b) (ii) (B) of the N.D.P.S. Act, be released on bail on each of them furnishing a **personal bond** with **two local sureties** in the like sum to the satisfaction of the Court concerned with the following conditions:-

(i) The applicants shall file an undertaking to the effect that they 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 applicants shall remain present before the trial court on each date fixed, either personally or through their counsel. In case of their absence, without sufficient cause, the trial court may proceed against them under Section 269 of Bharatiya Nyaya Sanhita.

(iii) In case, the applicants misuses the liberty of bail during trial and in order to secure their presence, proclamation under Section 84 of BNSS. is issued and the applicants fails to appear before the court on the date fixed in such proclamation, then, the trial court shall initiate proceedings against them, in accordance with law, under Section 209 of the Bharatiya Nyaya Sanhita.

(iv) The applicants 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 applicants are deliberate or without sufficient cause, then it shall be



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open for the trial court to treat such default as abuse of liberty of bail and proceed against them 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/-

(Ramesh Sinha)
Chief Justice

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