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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 717 of 2026

Manish Yadav S/o Bala Yadav Aged About 26 Years R/o Mona Pan Thela Gali, Santoshi Nagar, P.S. Tikrapara, Distt. Raipur, Chhattisgarh.

... Applicant(s)

versus

State Of Chhattisgarh Through Station House Officer, P.S. Tikrapara, Distt. Raipur, Chhattisgarh.

... Non-applicant(s)

For Applicant	: Mr. Bharat Lal Sahu, Advocate
For Non-applicant/State	: Mr. Sourabh Sahu, Panel Lawyer

Hon'ble Shri Ramesh Sinha, Chief Justice

Order on Board

20.01.2026

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. 669/2025 registered at Police Station-Tikrapara District - Raipur (C.G.) for the offence under Section 22(B) of the Narcotic Drugs and Psychotropic Substances Act, 1985.
2. Case of the prosecution, in brief is that the police of Police Station Tikrapara received secret information from an informant that on 28.08.2025, an unknown person was transporting prohibited



medicines for illegal sale. Acting upon the said information, the police conducted a seizure and recovered NRX Alprazolam Tablets IP (Alprazo 0.5), totaling 540 tablets with a total weight of 75.6 grams, from an open place at the spot. As a result thereof, the police registered an offence punishable under Section 22(B) of the NDPS Act against the applicant.

3. Learned counsel for the applicant submits that the applicant is an innocent person who has been falsely implicated and has no nexus whatsoever with the alleged incident as narrated by the prosecution. It is contended that the alleged contraband was not recovered from the exclusive possession of the applicant and the seizure memo has not been duly proved through seizure witnesses. The prosecution has failed to comply with the mandatory provisions of the NDPS Act, particularly Section 42, and no proper investigation was conducted prior to lodging the FIR, resulting in the false implication of the applicant. The applicant has neither committed the alleged offence nor was any incriminating material seized from his possession and he has been wrongly arrested merely on suspicion from the place of incident. The allegations levelled against the applicant are false and fabricated, and there is no clinching, reliable, or dependable evidence on record against him. It is further submitted that the charge-sheet has already been filed and no custodial interrogation is required. The applicant has been in judicial custody since 28.08.2025, has already undergone more than four months of incarceration, and prolonged detention would cause severe hardship to his family and the conclusion of the trial is



likely to take quite long time. Therefore, he 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 and further the applicant has two criminal antecedents out of which one is under the IPC of the year 2020 and another one is under the Arms Act of the year 2019 for which no explanation has been offered and further the quantity of contraband article seized from the possession of the applicant, is less than intermediate quantity, as such, he is a habitual offender, he is not entitled for grant of bail.
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 in the present case, charge-sheet has been filed before the competent Court and further the quantity of contraband article which is said to have been recovered from the possession of the applicant, is less than intermediate quantity and also considering the criminal antecedents of the applicant and moreover, he is in jail since 28.08.2025 and 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. Accordingly, the bail application of the applicant is **allowed**.
8. Let the Applicant – **Vivek Kumar Sahu**, involved in Crime No.



669/2025 registered at Police Station-Tikrapara District - Raipur (C.G.) for the offence under Section 22(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



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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.

9. 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

Kunal