



2026:CGHC:3398



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NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****MCRC No. 742 of 2026**

Raj Chandrakar S/o Suryaprakash Chandrakar Aged About 26 Years
R/o- Rawan Bhata, Ward No. 14, Ps Mandir Hasaud, Tehsil Mandir
Hasaud, District- Raipur (C.G.).

... Applicant**versus**

State of Chhattisgarh Through- Police Station Mahasamund, District-
Mahasamund (C.G.).

... Non-applicant

For Applicant	: Mr. Shubhank Tiwari, Advocate
For Non-applicant/State	: Ms. Ankita Shukla, 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. 367/2025 registered at Police Station- Mahasamund, District- Mahasamund (C.G.), for the offence punishable under Section 21(B), 22(B), 21(C) and 22(C) of the Narcotic Drugs and Psychotropic Substances Act, 1985.
2. Case of the prosecution, in brief, is that on receiving secret information, the police conducted a raid during which 16 strips of medicines, each strip containing 8 capsules, namely Spas-Trascen-Plus Capsules, were recovered from the possession of the co-



accused Mukesh Yadav. Upon interrogation, the co-accused disclosed that the said medicines were purchased from the present applicant. Acting on the said disclosure, a raid was thereafter conducted at the instance of the present applicant, from whose possession 88 strips of Spas-Trascen-Plus Capsules, each strip containing 8 capsules, were allegedly recovered. The said capsules contain Dicyclomine Hydrochloride, Tramadol Hydrochloride and Acetaminophen. As per the impugned order, the total quantity of the alleged narcotic substance is stated to be 2,71,040 milligrams (271 grams and 04 milligrams). Consequently, an FIR was registered against the present applicant, he was arrested in connection with the said offence, and hence this bail application has been filed.

3. Learned counsel for the applicant submits that the present applicant, a young man of 26 years, has been falsely implicated in the instant case and has not committed any offence punishable with death or life imprisonment. There is no direct evidence against him, and he has been made an accused merely on the basis of the memorandum statements of co-accused persons, without any conscious recovery or seizure from his possession. The applicant is the sole breadwinner and takes care of his family, and continued pre-trial detention would cause irreparable hardship to them. The prosecution has not complied with the mandatory procedure under the NDPS Act, including the provisions of Section 55, and the arrest is based on false and frivolous allegations. It is submitted that co-accused persons, namely Rama Yadav and Mukesh Yadav, have already been granted bail by this Hon'ble Court in MCRC Nos.



10388/2025 and 9665/2025 dated 12.01.2026 and 27.11.2025. He further relies on the principles laid down by the Hon'ble Supreme Court in Sanjay Chandra v. CBI (2012) 1 SCC 40, Hussainara Khatoon (III) v. Home Secy., State of Bihar (1980 1 SCC 93) and State of Kerala v. Raneef (2011 1 SCC 784), emphasizing that bail is a right, pre-trial detention has a punitive character, and prolonged incarceration before conviction violates Article 21 of the Constitution. He also submits that the present applicant has no any criminal antecedents and he is in jail since 29.08.2025 and the conclusion of the trial may take some time, therefore, he prays for grant of regular bail to the present applicant.

4. On the other hand, learned State counsel opposes the bail application of the present applicant and submits that the charge-sheet has been submitted before the competent Court. She further submits that the present applicant has been implicated in the offence involving Spas-Trascen-Plus capsules, from whose possession a quantity above the commercial limit, as per NDPS provisions, was allegedly recovered. She also submits that though the co-accused persons, namely Rama Yadav and Mukesh Yadav, have been granted bail by this Hon'ble Court in MCRC Nos. 10388/2025 and 9665/2025 vide orders dated 12.01.2026 and 27.11.2025, in their cases only a quantity below the commercial limit was recovered. In the instant case, the quantity allegedly recovered from the present applicant, which is much above the commercial quantity, as such, the applicant is not entitled to be released on bail.



5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Considering the facts and circumstances of the case and further the fact that though the co-accused persons, namely Rama Yadav and Mukesh Yadav, have been granted bail by this Court in MCRC Nos. 10388/2025 and 9665/2025 vide orders dated 12.01.2026 and 27.11.2025, the quantity of contraband recovered from them was less than the commercial quantity. In the present case, a quantity exceeding the commercial limit has been allegedly recovered from the possession of the applicant, which makes the case serious in nature, and the applicant has failed to give any explanation for the same, further it cannot be a case of false implication.
7. Accordingly, the bail application of the applicant – **Raj Chandrakar**, involved in Crime No. 367/2025 registered at Police Station- Mahasamund, District- Mahasamund (C.G.), for the offence punishable under Section 21(B), 22(B), 21(C) and 22(C) of the Narcotic Drugs and Psychotropic Substances Act, 1985, is **rejected**.
8. Needless to say that the trial Court concerned is at liberty to proceed and conclude the trial expeditiously.
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