



2026:CGHC:3409



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 712 of 2026

Md. Najibulla Hussain @ Raju Khan S/o Md. Khalil Aged About 35 Years
R/o Bandega, P.S. Talsara, Dist. Sundargarh (Odisha)

... Applicant(s)

versus

State Of Chhattisgarh Through - Station House Officer (S.H.O.) P.S. -
Pathalgaon, Dist. - Jashpur (C.G.)

... Non-applicant(s)

For Applicant	: Mr. Ashutosh Biswas, Advocate.
For Non-applicant/State	: Ms. Ankita Shukla, Panel Lawyer.

Hon'ble Mr. 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. 64/2025 registered at Police Station Pathalgaon, District- Jashpur (C.G.) for the offence punishable under Section 4, 6 and 10 of the Chhattisgarh Agriculture Cattle Preservation Act and Section 11 of the Prevention of Cruelty to Animals Act, 1960.
2. Case of the prosecution, in brief, is that on 26.03.2025, acting upon secret information, a pickup vehicle bearing registration number JH-



01-FA-8978 was intercepted near village Goripara, Mudekela Chowk, wherein 11 heads of cattle, namely 6 bulls, 1 cow, and 4 bullocks, were found being transported in a cruel and overloaded manner with the alleged object of taking them to a slaughterhouse for slaughter. On the basis of the said incident, Crime No. 64/2025 was registered for offences punishable under Sections 4, 6, and 10 of the Chhattisgarh Agricultural Cattle Preservation Act, 2004, and Section 11 of the Prevention of Cruelty to Animals Act, 1960. against the accused.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the present case and is completely innocent, having no connection whatsoever with the alleged offence. It is contended that the applicant is not named in the FIR and his name has been subsequently introduced solely on the basis of a memorandum statement, which lacks independent corroboration and has weak evidentiary value. The applicant was neither the owner, nor the driver, nor the cleaner of the seized vehicle bearing registration number JH-01-FA-8978 and does not even know how to drive. The prosecution's own case indicates that the actual driver and operators of the vehicle fled from the spot, yet no sincere efforts have been made to apprehend them and the applicant has been made a scapegoat merely to show progress in the investigation. The entire case against the applicant is based on weak circumstantial evidence, with no recovery of any incriminating article from his possession or at his instance. Since the investigation is complete and the charge-sheet has already been



filed, custodial interrogation of the applicant is no longer required, and his continued detention would amount to pre-trial punishment. It is further submitted that the applicant has been in judicial custody since 10.12.2025, the trial is likely to take considerable time, he has no prior criminal antecedents and he undertakes to cooperate with the trial and comply with all conditions imposed by this Court. Therefore, he prays for grant of regular bail to the applicant.

4. On the other hand, learned Panel Lawyer appearing for the State/non-applicant opposes the bail application but fairly admits that the present applicant has no previous criminal antecedents. However, it is contended that the applicant was involved in transporting 11 heads of cattle in the vehicle in question in an unauthorized manner and, therefore, the present applicant is not entitled to the 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, nature and gravity of allegation levelled against the applicant and the fact that the applicant has no criminal antecedent and in the present case, charge-sheet has been filed before the competent Court, further, the fact that the allegation against the applicant is that he was merely transporting the cattle and there is no prima facie evidence with respect to the fact that the cattle were being transported for their slaughter, further the applicant is in jail since 10.12.2025 and conclusion of the trial may take some more time, 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 application is **allowed**.
8. Let the applicant –**Md. Najibulla Hussain @ Raju Khan**, involved in Crime No. 64/2025 registered at Police Station Pathalgaon, District- Jashpur (C.G.) for the offence punishable under Section 4, 6 and 10 of the Chhattisgarh Agriculture Cattle Preservation Act and Section 11 of the Prevention of Cruelty to Animals Act, 1960, be released on bail on his 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 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.

9. Office is directed to send a certified copy of this order to the trial Court for necessary information and compliance forthwith.

Sd/-
(Ramesh Sinha)
Chief Justice