



2026:CGHC:18728



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 952 of 2026

Sunil Tandi S/o Suresh Tandi Aged About 31 Years R/o Sai Nagar, Chikhli
Near Gautam Kirana Stores Durg District- Durg (C.G.) ... **Applicant**

versus

State Of Chhattisgarh Through - Station House Officer, P.S.- Mohan Nagar,
District- Durg (C.G.) (Police Station Name Is Not Properly Not Mentioned In
The Cause Title Of The Impugned Order Which Is Being Mentioned As Per
The Charge Sheet) ... **Non-applicant**

For Applicant	: Mr. Aman Tamrakar, Advocate.
For Non-applicant/State	: Ms. Smriti Shrivastava, Panel Lawyer.

Hon'ble Mr. Ramesh Sinha, Chief Justice

Order on Board

23.04.2026

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. 672/2025 registered at Police Station – Mohan Nagar District Durg Chhattisgarh, for the offence under Section 8, 22, 27(A) of the Narcotic Drugs and Psychotropic Substances Act.



2. Case of the prosecution, in brief is that on 04.12.2025 a secrete information has been received by police station Mohan Nagar that the present applicant along with other co accused were selling drugs with other co accused behind surya hotel Mal dhakka near durg railway station On searching them 79 Alprazolam Tablets IP 0. mg and sale amount of Rs 200/- were seized from the Pocket of applicant Sumit Jatav Pants 21 capsules with 'PB Spasmo-plus writeen on them and sale amount of Rs 150/- were seized from the half pant pocket of Faggu Yadav for which they donot have any document and the other co-accused of the case Sumit Jatav stated in his memorandum statement that present applicant Sunil Tandi has taken drugs from him and based on the above statement police arrested the present applicants and registered above mentioned offence against applicant.
3. Learned counsel for the applicant submits that the present applicant is innocent persons and has been falsely implicated in the aforesaid case. It is further submitted that her name does not find place in the FIR and she has been arraigned as an accused only on the basis of statements of co-accused persons. No contraband or incriminating material has been recovered from her possession, and her arrest is based merely on suspicion without any substantive evidence. There is no eyewitness to support the prosecution case, and the alleged offence has been made out only on the basis of a memorandum statement, which is in violation of the mandatory provisions of Section 50 of the NDPS Act. The applicant is not a previously convicted person and has no criminal antecedents. It is further submitted that she was not present at the time of the alleged seizure from the said



premises. The applicant has been in custody since 04.12.2025, therefore, he prays for grant of regular bail to the applicant.

4. On the other hand, learned counsel appearing for the State/non-applicant opposed the bail application and submitted that the charge-sheet has already been filed before the competent Court. She further submitted that 79 Alprazolam Tablets IP 0. mg, were seized from the applicant, therefore, he is not entitled to be granted 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, it appears that the present applicant has been implicated primarily on the basis of the memorandum statements of co-accused Sumit Jatav and Faggu Yadav, and no contraband has been recovered from his possession. Further, taking into account that the charge-sheet has already been filed before the competent Court, that the applicant has been in custody since 04.12.2025, and that the conclusion of the trial is likely to take some time, this Court is of the considered view that the applicant is entitled to be released on bail in the present case.
7. Let the Applicant - **Sunil Tandi**, involved in Crime No. 672/2025 registered at Police Station – Mohan Nagar District - Durg Chhattisgarh, for the offence under Sections 8, 22, 27(A) of the Narcotic Drugs and Psychotropic Substances Act, be released on bail on furnishing **personal bond** with **two local sureties** in the like sum to the satisfaction of the Court concerned with the following conditions:-



2026:CGHC:18728

(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.

- 8.** Office is directed to send a certified copy of this order to the trial Court concerned for necessary information and compliance.

Sd/-

(Ramesh Sinha)
Chief Justice