



2026:CGHC:3071



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NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****MCRC No. 682 of 2026**

1 - Sunil Kumar Bharti S/o Ganesh Aged About 34 Years R/o Village- Dindo, Outpost- Dindo, P.S.- Trikunda, District- Balrampur-Ramanujganj, C.G.

2 - Shoaib Akhtar @ Saiyad S/o Md. Sultan Aged About 27 Years (Wrongly Mentioned In Order Sheet As Saiyad Akhtar), R/o Village- Dindo, Outpost- Dindo, P.S.- Trikunda, District- Balrampur-Ramanujganj, C.G.

... Applicant(s)**versus**

1 - State Of Chhattisgarh Through - S. H. O. Police Station- Trikunda, District- Balrampur-Ramanujganj, C.G.

... Non-applicant

For Applicants : Mr. Pushkar Sinha, Advocate.

For Non-applicant/State : Mr. Nitansh Kumar Jaiswal, Dy. G.A.

Hon'ble Mr. Ramesh Sinha, Chief Justice**Order on Board****19.01.2026**

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.24/2025 registered at Police Station – Trikunda, District – Balrampur-Ramanunjanj (C.G.), for the offence punishable under Section 21(c) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

- 2.** Case of the prosecution is that On 28.04.2025, the police received secret information that Sunil Kumar Bharti was transporting a large quantity of banned cough syrup from Kurludih to Dindo for illegal sale on his red Super Splendor motorcycle bearing registration number CG-15-ED-3526. Acting on the information, the police called independent witnesses and, without obtaining a search warrant, proceeded with his staff near the Karbala area. When the police attempted to stop him near Jihindo Karbala Maha Ped, he tried to flee by turning his motorcycle but was apprehended. On searching the motorcycle, 30 bottles of Onerex cough syrup containing Codeine Phosphate and Triprolidine were recovered from a white plastic carton kept inside a sack placed in the trunk. During his memorandum statement, Sunil Kumar Bharti disclosed that the seized contraband had been handed over to him by one co-accused (Shoaib Akhtar applicant no.2 herein). Finding prima facie evidence of illegal possession and trafficking of narcotic substances, the police arrested the accused and registered a case under Section 21(C) of the NDPS Act. After completion of investigation, offences under Sections 21(C) and 29 of the NDPS Act were made out, and the charge-sheet was filed.
- 3.** Learned counsel for the applicants submits that the applicants have been falsely implicated in this case and at the time of the incident, applicant No.2 was not at the spot, where the article has been seized



and made accused only on the basis of memorandum statement. He also submits that mandatory provisions of NDPS Act and the concerned police station did not take proper investigation before lodging FIR against the applicants. He further submits that the applicants are in jail since 28.04.2025 and conclusion of the trial may take some time, therefore, he prays for grant of regular bail to the applicants.

4. On the other hand, the learned State counsel opposes the bail application of the applicants and submits that the alleged contraband article recovered from the possession of the applicant No.1 is the commercial quantity and on the basis of the memorandum statement, applicant No. 2 has been implicated, as it was stated that the said contraband article was purchased from applicant No. 2. The applicants have failed to give any satisfactory explanation, which shows that it is an organized crime. Therefore, the bail application filed by the applicants is liable to be dismissed.
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 the fact that contraband article i.e. 30 bottles of Onerex cough syrup containing Codeine Phosphate and Triprolidine recovered from the possession of the applicant No.1, is the commercial quantity and on the basis of the memorandum statement, applicant No. 2 has been implicated, as it was stated that the said contraband article was purchased from applicant No. 2 and the applicants have failed to give any explanation for the same and it cannot be a case of false implication.



7. Accordingly, the bail application of the applicants – **Sunil Kumar Bharti** and **Shoaib Akhtar @ Saiyad**, involved in Crime No.24/2025 registered at Police Station – Trikunda, District – Balrampur Ramanujganj (C.G.), for the offence punishable under Section 21(c) and 29 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

Nikita