



2026:CGHC:10525

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DEWANGAN**HIGH COURT OF CHHATTISGARH AT BILASPUR****MCRC No. 1395 of 2026**

Yasmin S/o Abdul Latif Aged About 22 Years R/o Sonabila Rangapara,
District Ronitpur Asam, At Present Address Sector-4, Kamal Vihar,
Raipur, District : Raipur, Chhattisgarh

--- Applicant(s)**versus**

State Of Chhattisgarh Through- Station House Officer, Police Station
Singhoda, District : Mahasamund, Chhattisgarh

--- Non-applicant(s)

For Applicant	: Mr. Vivek Kumar Agrawal, Advocate.
For Non-applicant/State	: Ms. Ritika Dubey, Panel Lawyer.

MCRC No. 1514 of 2026

Vishu Vazwa S/o Vazir Vazwa Aged About 27 Years R/o Village Barada,
Police Station Barada, District- Ambala (Haryana), Presently R/o At
Sector- No. 4, Kamal Vihar District- Raipur (C.G.) (Details Of The
Applicant Mentioned As Per Challan, Fir And Order Sheet)

---Applicant(s)**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station
Singhoda, District- Mahasamund (C.G.)

---- Non-applicant(s)

For Applicant	: Mr. Arun Kumar Shukla, Advocate.
For Non-applicant/State	: Ms. Ritika Verma, Panel Lawyer.

Hon'ble Mr. Ramesh Sinha, Chief Justice

Order on Board

28/02/2026

1. Since the above two bail applications are arising out of same crime number, same Police Station and same offence, so they are being heard and decided by this common order.
2. The applicants have preferred this First Bail Application under Section 483 of BNSS for grant of regular bail, as they have been arrested in connection with Crime No.83/2025, registered at Police Station Singhoda, District: Mahasamund (C.G.) for the offence punishable under Sections 20(b) of the NDPS Act and Section 125(a), 281 of BNS.
3. The case of the prosecution in brief is that from perusal of the case diary and remand papers, it is revealed that on 15.10.2025, the Station House Officer, Police Station Singhoda, informed that near the Khamharpali RTO Check Post, a road accident had occurred in which one woman, one man and a child were lying unconscious. Upon receipt of the said information, for the purpose of verification, the police party along with the accompanying staff, after informing the Highway Patrolling Unit, proceeded towards the spot in a police requisitioned vehicle. Upon reaching the place of occurrence, it was found that an accident had taken place after hitting a plastic stopper and one woman and one man were lying unconscious and had sustained injuries. They were immediately taken, along with the accompanying staff, to CHC Saraipali for primary medical

treatment. The witnesses present at the spot were served with notices and after obtaining their consent to cooperate in the search proceedings, a search information report without warrant was prepared in the presence of witnesses and the accompanying constable was sent to the SDOP Office, Saraipali for dispatch of the same. At the spot, near the motorcycle involved in the accident, two pitthu bags belonging to the injured man and woman were found lying. The motorcycle involved in the accident was Pulsar Motorcycle No. CG 10 N 0436. The said two pitthu bags were searched in the presence of witnesses and a substance resembling narcotic drug Ganja was found inside both the bags, which was seized and a seizure memo was prepared. A small quantity was taken out from the seized substance for identification and thereafter an identification panchnama of Ganja was prepared. The weighman was called and the seized contraband was weighed and a weighing panchnama was prepared.

In the presence of witnesses, the Ganja kept inside two light blue coloured pitthu bags was weighed along with the bags and it was found that one pitthu bag weighed 6.500 kilograms and the other pitthu bag also weighed 6.500 kilograms, totaling 13.000 kilograms. The seized narcotic substance Ganja was sealed with seal and wax in the presence of witnesses and a sample seal panchnama was prepared and a signed slip was affixed thereon. After discharge of the suspects from the hospital, they were interrogated. In the memorandum statement of the applicant/accused Vishu Bajwa, it was admitted that the seized

Ganja belonged to him. The applicants were served with notices regarding possession of narcotic substance and were asked to produce valid documents/papers or licence, but they stated that they had no such documents. Therefore, sufficient evidence having been found against the applicants/accused, an offence under Section 20(b) of the NDPS Act and Sections 125(a) and 281 of the Bharatiya Nyaya Sanhita (BNS) was registered at Police Station Singhoda vide Crime No. 83/2025. After completion of investigation, the applicants/accused were arrested on 15.10.2025 and 17.10.2025 respectively.

4. Learned counsel for the applicants submits that the present applicants are innocent persons and have been falsely implicated in the present case. The applicants have not committed any of the offences alleged against them and have been implicated only on the basis of suspicion. It is further submitted that the alleged contraband was not recovered from the conscious and exclusive possession of the applicants. As per the prosecution case itself, the bags containing the alleged contraband were found lying near the motorcycle after the accident, which creates serious doubt regarding ownership and possession of the alleged contraband. They further submits that the name of applicant Yasmin does not appear in the FIR and she has been implicated only on the basis of the memorandum statement, which is not a reliable piece of evidence. It is also submitted that no incriminating article has been seized from the possession of the applicants. It is further submitted that though the alleged seizure is stated to have been made at a

public place, no independent and reliable witness has supported the prosecution case. The seizure witnesses have also not established the exclusive possession of the applicants over the alleged contraband. It is also submitted that the mandatory provisions of the NDPS Act relating to search, seizure and sampling have not been complied with in their true spirit by the investigating officer, which renders the prosecution case doubtful. They further submits that the applicants have no previous criminal antecedents, particularly no previous case under the NDPS Act, and they are law-abiding citizens. It is further submitted that the charge-sheet has already been filed and the investigation is substantially complete, therefore, no custodial interrogation of the applicants is required. They submits that the applicants have been in judicial custody since 15.10.2025 / 17.10.2025, and the trial is likely to take considerable time for its conclusion. Continued detention of the applicants would cause irreparable hardship to them and their family members. They also submits that from the open place less than commercial quantity of the psychotropic substance ganja has been seized, and therefore, it will not attract the rigors of Section 37 of the NDPS Act as the commercial quantity of ganja as prescribed under the schedule is more than 20 kgs and from the joint possession of the applicants only 13 kgs of Ganja has been seized. Accordingly, they prays for grant of regular bail to the applicants.

5. On the other hand, learned counsel appearing for the State/non-applicant opposes the bail application and submits that the charge-

sheet has been filed in the present case before the competent Court and also endorse the said submission that from the joint possession of the applicants contraband article *i.e.* 13.00 kg of Ganja has been seized and so far as the criminal antecedents of the applicants are concerned, the applicant-Yasmin has no criminal antecedent however, the applicant-Vishu Vazwa has one criminal antecedent under the BNS of the year 2025 for which no explanation has been offered in this regard, therefore, the present applicants are not entitled for grant of bail.

6. I have heard learned counsel appearing for the parties and perused the case diary.
7. Taking into consideration the facts and circumstances of the case, and particularly the fact that applicant Yasmin has no criminal antecedents, whereas applicant Vishu Vazwa has one criminal antecedent under the BNS of the year 2025 but no case registered against him under the NDPS Act and further considering that the contraband article, *i.e.*, 13.00 kilograms of Ganja, allegedly recovered from the joint possession of the applicants, is less than the commercial quantity and that the charge-sheet has already been filed before the competent Court and also taking into consideration that applicant Yasmin has an infant child and that the applicants are in judicial custody since 15.10.2025 and 17.10.2025 respectively, this Court is of the view that the applicants are entitled to be released on bail.
8. Accordingly, the bail application of the applicants are **allowed**.

9. Let the Applicants- **Yasmin and Vishu Vazwa** involved in Crime No.83/2025, registered at Police Station Singhoda, District: Mahasamund (C.G.) for the offence punishable under Sections 20(b) of the NDPS Act and Section 125(a), 281 of BNS, be released on bail on their furnishing a **personal bond** with **two sureties (each)** (local surety in case of applicant- **Vishu Vazwa**) in the like sum to the satisfaction of the Court concerned with the following conditions:-

(i) The applicants shall file an undertaking to the effect that they 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 applicants shall remain present before the trial court on each date fixed, either personally or through their counsel. In case of their absence, without sufficient cause, the trial court may proceed against them under Section 269 of Bharatiya Nyaya Sanhita.

(iii) In case, the applicants misuses the liberty of bail during trial and in order to secure their presence, proclamation under Section 84 of BNSS. is issued and the applicants fails to appear before the court on the date fixed in such proclamation, then, the trial court shall initiate proceedings against them, in accordance with law, under Section 209 of the Bharatiya Nyaya Sanhita.

(iv) The applicants 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 applicants are deliberated 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 them in accordance with law.

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

Sd/-
(Ramesh Sinha)
Chief Justice