



2026:CGHC:20701



2026:CGHC:20701

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****MCRC No. 1073 of 2026**

Gulab Bhote S/o Manohar Bhote Aged About 41 Years R/o Harna Bandha Durga, Behind Shri Shivam Mall, Ward No. 11, City Kotwali, Police Station Durg (C.G.)

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

State Of Chhattisgarh Through Station House Officer, Police Station City Kotwali, Dist. Durg (Chhattisgarh)

--- Non-applicant(s)

For Applicant	:	Mr. Vinamra Shrivastava, Advocate.
For Non-Applicant	:	Ms. Ankita Shukla, Panel Lawyer.

MCRC No. 2942 of 2026

Amit Shrivastav S/o Suren Shrivastav Aged About 39 Years R/o Harna Bandha Durga, Behind Shri Shivam Mall, Ward No. 11, City Kotwali Police Station, District- Durg, Chhattisgarh.

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

State Of Chhattisgarh Through Police Station City Kotwali, Durg (C.G.)

--- Non-applicant(s)

For Applicant	:	Mr. Bannoon, Advocate.
For Non-Applicant	:	Ms. Ankita Shukla, Panel Lawyer.

**MCRC No. 2180 of 2026**

1 - Mohammed Javed @ Amit S/o Mohammed Rafique Khokhar Aged About 39 Years R/o Harna Bandha, Durg Behind Shree Shivam Mall, Ward No.11, P.S. City Kotwali, Durg, District - Durg, Chhattisgarh.

2 - Mahadev Sahu S/o Jhumuk Lal Sahu Aged About 47 Years R/o Harna Bandha, Durg Behind Shree Shivam Mall, Ward No.11, P.S. City Kotwali, Durg, District - Durg, Chhattisgarh.

---Applicant(s)

Versus

State Of Chhattisgarh Through P.S. - City Kotwali, District - Durg, Chhattisgarh.

---- Non-Applicant(s)

For Applicant	:	Mr. S.K. Singh, Advocate.
For Non-Applicant	:	Ms. Ankita Shukla, Panel Lawyer.

Hon'ble Mr. Ramesh Sinha, Chief Justice

Order on Board

04/05/2026

1. Since the above bail applications are arising out of same crime numbers and same Police Station and same offence so they are being heard and decided by this common order.
2. These are the first bail applications filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the applicants who have been arrested in connection with Crime No. 678/2025 registered at Police Station City Kotwali, District Durg (C.G.) for offence under Section 21(B)



and 27(a) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

3. As per the prosecution case, on 18.12.2025, upon receiving credible secret information from the informant that certain persons were illegally selling prohibited narcotic medicines near Nadi Road, Jain Mandir, for the purpose of earning unlawful gain, Assistant Sub-Inspector Ramkrishna Tiwari of Police Station City Kotwali, District Durg, along with police staff, proceeded to the spot and apprehended the accused/applicants persons, namely Gulab Bhote, Mohd. Javed @ Amit, Mahadev Sahu and Amit Shrivastava and other co-accused. Upon search, 28 strips of Practin 4 mg tablets (total 280 tablets, weighing approximately 3.08 grams) were seized from the possession of applicant/accused Mohd. Javed and 06 bottles of Rexcof DX cough syrup (100 ml each, totaling 600 ml) were seized from the possession of applicant/accused Mahadev Sahu and 24 tablets of Sapsmo Procyvon Plus capsule and 100 tablets decdan seized from the possession of the applicant/accused Gulab Bhote and 370 tablets of dexon seized from the possession of the applicant/accused Amit Shrivastava. Additionally, separate narcotic tablets and syrups were recovered from the other co-accused persons. None of the accused persons could produce any valid prescription, licence or lawful authority for possession of the said medicines. During the course of investigation, it was found that the seized tablets, capsules and syrups contained Tramadol and Dextromethorphan, which are psychotropic/narcotic substances notified under the NDPS Act,



1985. From the case diary and memorandum statements, it is further revealed that the accused persons were engaged in the illegal purchase and sale of such narcotic medicines for the purpose of intoxication and wrongful gain. On the basis of the aforesaid facts, Crime No. 678/2025 was registered at Police Station City Kotwali, District Durg, for the offences punishable under Sections 21(b) and 27(A) of the NDPS Act, 1985, and after completion of investigation, charge-sheet has been filed against the accused persons.

4. Learned counsel for the applicants submit that the present applicants are innocent and have been falsely implicated in the present case without there being any cogent or reliable evidence against them. It is contended that no contraband has been recovered from the exclusive and conscious possession of the applicants, as the alleged seizure was effected from a public place. There are material contradictions and discrepancies in the statements of prosecution witnesses recorded under Section 161 Cr.P.C., and the mandatory provisions of the NDPS Act have not been complied with during the search and seizure proceedings. It is further submitted that there is a clear break in the chain of custody of the seized articles, which goes to the root of the prosecution case. Even otherwise, the alleged quantity seized falls within intermediate quantity and not commercial quantity, therefore, the rigours of Section 37 of the NDPS Act are not attracted. It is also argued that certain seized medicines do not



fall within the purview of the NDPS Act, as per the report of the Drug Inspector, thereby making the prosecution case doubtful. It is further submitted that the applicants are in custody since 18.12.2025, the investigation has been completed and charge-sheet has already been filed and thus, no further custodial interrogation is required. It is also contended that there are serious procedural lapses on the part of the prosecution, including inconsistencies in arrest timing and non-production of CCTV footage despite requests, which further weakens the prosecution case. It is further submitted that the applicants have no criminal antecedents and the conclusion of the trial is likely to take quite long time. Therefore, they pray for grant of regular bail to the applicants.

5. On the other hand, learned State counsel opposes the prayer for grant of bail and submits that the contraband has been seized separately from each of the applicants, which clearly establishes their individual involvement in the alleged offence and though the quantity seized falls within intermediate quantity, the nature of allegations reflects illegal possession and dealing in narcotic substances. It is further submitted that the applicants were found in conscious possession of such substances without any valid authority and the material collected during investigation prima facie connects them with the commission of the offence. However, she fairly submits that the applicants have no criminal antecedents and that in the present case, the charge-sheet has



already been filed. However, the applicants have not entitled to be released on 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, nature and gravity of offence alleged against the applicant and the period of detention of the applicant since 18.12.2025 and further the fact that the applicants have no criminal antecedents and that the contraband articles have been seized separately from each of the applicants and the quantity involved falls within intermediate quantity and further that the charge-sheet has already been filed before the competent Court, thus this Court is of the view that the applicants are entitled to be released on bail in the present case, however, the veracity of the prosecution case, the legality of seizure, compliance of mandatory provisions of the NDPS Act and all other disputed questions of fact shall be considered and decided during the course of trial.
8. Accordingly, the applications are **allowed**.
9. Let the Applicants – **Gulab Bhote, Amit Shriwastav, Mohammed Javed @ Amit** and **Mahadev Sahu**, involved in Crime No. 678/2025 registered at Police Station City Kotwali, District Durg (C.G.) for offence under Section 21(B) and 27(A) of the Narcotic Drugs and Psychotropic Substances Act, 1985, be released on bail on their furnishing **personal bond** with **two**



sureties each 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 fail 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



2026:CGHC:20701

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 and compliance
forthwith.

**Sd/-
(Ramesh Sinha)
Chief Justice**

Kunal