



2026:CGHC:12541

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****MCRC No. 997 of 2026**

Rituraj S/o Arun Kumar Singh Aged About 28 Years R/o Near Hindu Vidyapeeth, B.N. Jha Road, Devghar, Police Station- Devghar, District Devghar (Jharkhand).

... Applicant**versus**

State of Chhattisgarh Through Station House Officer, Police Station Sarkanda, District Bilaspur C.G.

... Non-applicant

For Applicant	: Mr. Rajeev Kumar Dubey, Advocate
For Non-applicant/State	: Ms. Ankita Shukla, Panel Lawyer

Hon'ble Shri Ramesh Sinha, Chief Justice**Order on Board****16.03.2026**

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. 373/2025 registered at Police Station- Sarkanda, District Bilaspur (C.G.), for the offence punishable under Sections 21, 22 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.



2. Case of the prosecution, in brief, is that on the basis of information received from an informant on 09.03.2025, it was reported that two persons were about to transport an illegal narcotic substance near Urja Park, Raj Kishor Nagar, Bilaspur, in a red and white coloured bag. Acting upon the said information, the police reached the spot, conducted a search, and recovered 55 bottles of Onerex cough syrup from the alleged illegal possession of co-accused Athraw @ Soumy Singh and Yogesh Sahu. Thereafter, on the basis of the memorandum statements of the said co-accused persons, the present applicant, namely Rituraj, was implicated and subsequently arrested in the matter. Hence, this bail application.
3. Learned counsel for the applicant submits that the applicant is innocent and has neither committed nor participated in the alleged offence and has been falsely implicated by the police. It is submitted that 55 bottles of Codeine-based Onerex cough syrup, each containing 100 ml, were seized from the conscious possession of the main accused Atharv @ Soumya Singh and a juvenile co-accused, and no contraband has been recovered from the present applicant. The implication of the applicant is solely based on the memorandum statements of co-accused persons and his own alleged statement recorded by the Investigating Officer after a delay of one month and twelve days, which has no evidentiary value in the eyes of law. It is further submitted that there is no compliance of the relevant provisions of the Indian Evidence Act, and no material has been brought on record to establish any connection of the applicant with the seized contraband. The only additional allegation is that a



sum of Rs. 18,000/- was allegedly transferred by co-accused Tanu Mahant to the bank account of the applicant's father through a third person, which has neither been directly proved nor linked to the present offence, and no recovery has been made from the applicant. He further submits that in view of the law laid down by the Hon'ble Supreme Court in Toofan Singh v. State of Tamil Nadu, statements made before the police officer have no independent evidentiary value unless supported by recovery, and in the present case, no such recovery has been effected from the applicant. It is also submitted that the quantity allegedly seized does not fall within the category of commercial quantity, and therefore, the rigours of Section 37 of the NDPS Act are not attracted, as held in Satyendra Kumar Antil v. Union of India. It is also submitted that the applicant is a married person and the sole breadwinner of his family, and his prolonged incarceration would cause grave hardship to his dependents. He also submits that the present applicant has no any criminal antecedents and he is in jail since 19.05.2025 and the conclusion of the trial may take some time, therefore, he prays for grant of regular bail to the present applicant.

4. On the other hand, learned State counsel opposes the bail application and submits that the charge-sheet has already been filed. She also submits that on 09.03.2025, the police apprehended co-accused Athraw @ Soumy Singh and Yogesh Sahu near Urja Park, Raj Kishor Nagar, Bilaspur, and recovered huge quantity of contraband article i.e. *55 bottles of Onerex cough syrup* from their illegal possession. It is further submitted that the present applicant,



Rituraj, has been rightly implicated on the basis of the memorandum statements of the co-accused, which clearly disclose his involvement in supplying the contraband. She contends that the quantity seized is above the commercial quantity and the offence forms part of an organized illegal narcotics trade, therefore, considering the gravity of the offence and the role of the applicant, he is not entitled to be released on 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, the nature and gravity of the offence, and the material available on record, this Court notes that though no contraband article has been recovered from the present applicant, but the memorandum statements of the co-accused prima facie indicate his involvement in the supply of the seized Codeine-based cough syrup. Further, the quantity involved is above the prescribed limit and the offence appears to be part of an organized illicit narcotics trade. In view of the seriousness of the allegations and the overall circumstances, this Court is not inclined to grant bail to the applicant at this stage.
7. Accordingly, the bail application of the applicant – **Rituraj**, involved in Crime No. 373/2025 registered at Police Station– Sarkanda, District Bilaspur (C.G.), for the offence punishable under Sections 21, 22 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

Rahul Dewangan