



2026:CGHC:12542

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****MCRC No. 1456 of 2026**

Krishna Kumar Barnwal S/o Narsingh Barnwal, Aged About 55 Years R/o
Kastar Town House Of Dharendra Ray, Sundar Lal Mishra Road, Thana
Nagar, District- Devghar (Jharkhand) **... Applicant**

versus

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

... Non-applicant

For Applicant	: Mr. Vikash Pradhan, 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 accused, namely Rituraj, was implicated and on the basis of his memorandum statement present applicant, namely, Krishna Kumar Barnwal has 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 been falsely implicated in the present case, and no contraband has been recovered from his actual or conscious possession. It is submitted that the entire case against the applicant is based solely on the memorandum statement of co-accused Rituraj and alleged WhatsApp chats, which have no independent evidentiary value, and there is no material to establish any direct transaction or nexus between the applicant and the alleged seized contraband. It is further submitted that the applicant is a licensed medical agency owner and relevant documents, including medical purchase bills and license retention letter, have been annexed to demonstrate lawful business activities. He contends that in view of the law laid down by the Hon'ble Supreme Court in Tofan Singh v. State of Tamil Nadu and subsequent judgments, any confessional statement recorded under Section 67 of the NDPS Act is inadmissible in evidence and cannot be the sole basis of implication or conviction. It is further submitted that except such inadmissible



statements, no incriminating material has been collected against the applicant. He also submits that the present applicant has no any criminal antecedents and he is in jail since 07.07.2025 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 acting upon credible information dated 09.03.2025, the police recovered huge quantity of contraband article *i.e. 55 bottles of Onerex cough syrup* from the illegal possession of co-accused Athraw @ Soumy Singh and Yogesh Sahu near Urja Park, Raj Kishor Nagar, Bilaspur, and during investigation, the involvement of co-accused Rituraj and, on the basis of his memorandum statement, the present applicant Krishna Kumar Barnwal has surfaced, indicating his role in the supply chain of the contraband. It is further submitted that though the applicant claims to be a licensed medical agency owner and has produced certain documents such as medical purchase bills and license retention letter, but the contraband article seized is a prohibited narcotic substance and the quantity involved is above commercial quantity, clearly indicating an organized illegal narcotics trade. Hence, considering the gravity of the offence and the active involvement 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 allegations, the recovery of huge quantity of contraband article *i.e. 55 bottles of Codeine-based Onerex cough syrup* from the co-accused, and the material indicating the involvement of the present applicant on the basis of the memorandum statements forming part of the supply chain, further the fact that though the applicant is a licensed medical agency owner and has produced documents such as medical purchase bills and license retention letter, the contraband seized is a prohibited narcotic substance and the quantity involved is above commercial quantity, reflecting an organized illicit trafficking activity. In view of the seriousness of the offence 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 – **Krishna Kumar Barnwal**, 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