



2026:CGHC:9259



2026:CGHC:9259

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 1852 of 2026

Imran Malik S/o Jamil, Aged About 28 Years R/o Native of Jakiir Colony, Faterhala Road, Police Station Lisari, Dist. Meerut (U.P.) Currently Residing At Gangapur, P.S. Gandhinagar, Dist. Surguja (C.G.)

... **Applicant**

versus

State of Chhattisgarh Through Station House Officer (S.H.O.) P.S. Ambikapur, Dist. Surguja (C.G.)

... **Non-applicant**

For Applicant : Mr. Ashutosh Biswas, Advocate.

For Respondent/State : Mr. Shailendra Sharma, Panel Lawyer.

Hon'ble Mr. Ramesh Sinha, Chief Justice

Order on Board

23.02.2026

1. This is the second bail application filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to the applicant who has been arrested in connection with Crime No. 551/2025 registered at Police Ambikapur, District Sarguja (C.G.) for the offence punishable under Section 21(c) read with Section 29 of N.D.P.S Act, 1985.
2. The first bail application of the applicant was rejected on merits by this Court vide order dated 31.10.2025 passed in MCRC No. 7076 of 2025.
3. As per the prosecution story, on 03.08.2025, the co-accused persons,



Mohammad Sharif and Mohammad Rajul, allegedly stole a brass elephant statue from Kothighar, Ambikapur, and sold it to the present applicant, Imran Malik, who is a scrap/waste products dealer (locally known as a kabadi), for Rs. 7,200/-. The co-accused persons allegedly used the said amount to purchase narcotic injections from Daltonganj, Jharkhand, which were later seized by the police. The main allegation against the present applicant is that he purchased scrap brass in the shape of an elephant from the co-accused persons and paid them Rs. 7,200/-. It is alleged that the co-accused thereafter used the said amount to buy narcotic drugs. The applicant has been charged under Section 21(C) read with Section 29 of the NDPS Act for allegedly abetting the offence. Significantly, another case bearing Crime No. 531/2025 was registered under Sections 331(4), 305A, 317(2), and 3(5) of the BNS at Police Station Ambikapur in respect of the same purchase of the scrap brass elephant statue. In the said case, the applicant, Imran Malik, has been duly acquitted by order dated 31.01.2026 passed by the Court of the Judicial Magistrate First Class, Ambikapur.

4. Learned counsel for the applicant submits that this is the second bail application of the applicant and the first bail application was rejected on merits by this Court in MCRC No. 7076 of 2025 on 31.10.2025. He would submit that the applicant is in jail since 08.08.2025, charge sheet has been filed and out of 12 prosecution witnesses, evidence of only 5 prosecution witnesses have been recorded, conclusion of the trial may take some time, therefore, he prays for releasing the applicant on regular bail.
5. On the other hand, learned State counsel opposes the bail application.
6. I have heard learned counsel for the parties and perused the case diary.



7. From the perusal of the record, it transpires that this is the second bail application of the applicant, and the first bail application was rejected on merits by this Court in MCRC No. 7076/2025 vide order dated 31.10.2025. Though no contraband article was seized from the present applicant, the same was recovered from the possession of the co-accused persons, the contraband article i.e. NRX Buprenorphine Injection I.P. (T-Gesic) 2 ml, Batch No. 1-261 - 100 pieces (total 200 ml), and Pheniramine Maleate Injection I.P. (Avil) 10 ml - 100 pieces (total 1,000 ml), which are above the commercial quantity. The ground raised in this second bail application is that the applicant has been in jail since 08.08.2025 and that, out of 12 prosecution witnesses, the evidence of only 5 prosecution witnesses has been recorded so far.
8. Recently the Hon'ble Supreme Court in the matter of **Union of India (UOI) Vs. Vigin K. Varghese (Special Leave Petition (Cri.) Nos.7768 of 2025 and 11097 of 2025)** decided on 13.11.2025 has observed that in NDPS commercial-quantity cases, long incarceration cannot, by itself, be a ground for bail.
9. Considering the fact that the first bail application of the applicant was rejected on merits by this Court, further the fact that trial is in progress and also in the light of observation made by the Hon'ble Supreme Court in **Vigin K. Varghese** (supra) that in NDPS commercial-quantity cases, long incarceration cannot, by itself, be a ground for bail, therefore I do not find any good ground to entertain this second bail application. Accordingly, the second bail application of the applicant- **Imran Malik**, involved in Crime No. 551/2025 registered at Police Ambikapur, District Sarguja (C.G.) for the offence punishable under Section 21(c) read with Section 29 of N.D.P.S Act, 1985, is **rejected**.
10. Office is directed to send a certified copy of this order to the trial Court



2026:CGHC:9259

concerned for necessary information and compliance.

Sd/-
(Ramesh Sinha)
CHIEF JUSTICE

Abhishek