



2026:CGHC:12739



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 1651 of 2026

Chanchal @ Chotu Manikpuri S/o Late Komal Manikpuri Aged About 26 Years R/o Sakin Ward No. 09 Shanti Nagar Pathariya Police Station Pathariya Dist. Mungeli C.G.

... Applicant

versus

State Of Chhattisgarh Through Police Station Pathariya Dist. Mungeli C.G.

... Respondent

For Applicant	: Shri Chanmeet Singh Chhabra & Shri Navneet Singh Gumber, Advocates.
For	: Ms. Monika Thakur, PL.
Respondent/State	

Hon'ble Mr. Ramesh Sinha, Chief Justice

Order on Board

17/03/2026

1. This is the first bail application filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the applicant who has been arrested in



connection with Crime No.275/2025 registered at Police Station Patharia Police Station, District Mungeli (C.G.) for the offence punishable under Section 20(b)(ii)(c) of Narcotic Drugs and Psychotropic Substances Act, 1985.

2. Case of the prosecution, in brief, is that on 08.12.2025, Sub-Inspector Laxman Khunte of Police Station Patharia received secret information that two persons were standing near a brick kiln on Bharewa Road with illegal narcotic substance Ganja for sale. After recording the information in the daily diary and completing formalities under Sections 42 and 50 of the NDPS Act, the police reached the spot along with witnesses. Two persons, namely Dinesh Kumar alias Gore Netam and Chanchal alias Chhotu Nirmalkar, were found standing near a motorcycle bearing registration number CG-28-S-8885. On search, from the possession of applicant/accused total Ganja weighing 3.977 kg was seized from both the accused. From Chanchal alias Chhotu Nirmalkar, Ganja weighing about 2.057 kg was recovered, and from co-accused Dinesh alias Gore Netam, Ganja weighing about 1.920 kg was recovered and a phone of OPPO Company was recovered. Thereafter, Crime No.275/2025 was registered at Police Station Pathariya under Section 20(b)(ii)(c) of the NDPS Act, both the accused were arrested on 08.12.2025, investigation was completed, and charge-sheet has been filed before the trial Court.



- 3.** Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case and he is in jail since 08/12/2025. He further submits that from the possession of the applicant intermediate 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 possession of the applicant only 2.057 kg of Ganja has been seized, which is less than the commercial quantity. He also submits that the mandatory provisions with regard to search and seizure were not complied with in this case and the conclusion of the trial may take quite long time, therefore he prays for enlarging the applicant on regular bail.
- 4.** Learned State counsel would oppose the bail application and submit charge-sheet has been filed in the present case before the competent Court. She would submit that from the applicant 2.057 kg of Ganja has been seized and from the co-accused person 1.920 kg of Ganja has been seized. She would further submit that the applicant has two criminal antecedents under the NDPS Act, out of which one case is disposed of and one case is pending, as such, the applicant is a habitual offender and 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, further the fact that from the possession of the applicant only 2.057 kg of Ganja has been seized, which is less than the commercial quantity but considering the fact that the applicant has two criminal antecedents under the NDPS Act, out of which one case is disposed of and one case is pending, as such he is a habitual offender and also in light of the judgment rendered by the Supreme Court in ***Deepak Yadav v. State of Uttar Pradesh & Another***, reported in **(2022) 8 SCC 559**, wherein the Hon'ble Supreme Court had cancelled the bail granted to the accused therein on the ground that the accused had previous antecedents, therefore this Court is of the opinion that it is not a fit case to enlarge the applicant on regular bail.
7. Accordingly, the bail application of the applicant - **Chanchal @ Chotu Manikpuri**, filed under Section 483 of BNSS, involved in Crime No.275/2025 registered at Police Station Patharia Police Station, District Mungeli (C.G.) for the offence punishable under Section 20(b)(ii)(c) of Narcotic Drugs and Psychotropic Substances Act, 1985, is **rejected**.
8. Office is directed to send a certified copy of this order to the trial Court concerned for necessary information.

Sd/-

(Ramesh Sinha)
Chief Justice