



2026:CGHC:10552

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****MCRC No. 1545 of 2026**

Suprit Sarthi S/o Shri Ajit Sarthi Aged About 25 Years R/o Ward No. 17,
 Dau Chaura, Khairagarh Police Station- Khairagarh, District- Khairagarh-
 Chhuikhadan-Gandai (C.G.)

... Applicant**versus**

State of Chhattisgarh Through- Police Station- Khairagarh, District-
 Khairagarh-Chhuikhadan-Gandai (C.G.)

... Non-applicant

For Applicant	: Mr. Pushpendra Kumar Patel, Advocate
For Non-applicant/State	: Ms. Ritika Verma, Panel Lawyer

Hon'ble Shri Ramesh Sinha, Chief Justice**Order on Board****28.02.2026**

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. 126/2020 registered at Police Station Khairagarh, District- Khairagarh-Chhuikhadan-Gandai (C.G.) for the offence under Section 20(B) of the Narcotic Drugs and Psychotropic Substances Act, 1985.
2. Case of the prosecution, in brief is that the police of Police Station Khairagarh, District- Khairagarh-Chhuikhadan-Gandai (C.G.), received a secret information from the informant and on the said

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information police conducted a raid and seized 1.5 Kgs of Ganja from the possession of the present applicant. Thereafter, offence punishable under Section 20(B) of the Narcotic Drugs and Psychotropic Substances Act, 1985 has been registered against present applicant.

3. Learned counsel for the applicant submits that the present applicant is innocent and has been falsely implicated in the present case. He further submits that seized 1.5 Kgs of Ganja was not seized from the possession of the present applicant. He also submits that the learned Trial Court, vide order dated 22.04.2020, had released the applicant on bail, and a copy of the said order is filed herewith as Annexure A-3. It is contended that during the course of trial, in the absence of the applicant, arrest warrants were issued on 24.09.2022 (for the first time), 04.11.2023 (for the second time), and 01.12.2025 (for the third time). The present bail application has been filed on the ground that the applicant has voluntarily surrendered before the trial Court on 13.01.2026. Copies of the relevant portions of the order sheets dated 01.12.2025 to 13.01.2026 are filed herewith as Annexure A-4 (Colly). It is also submitted that the applicant is suffering from HIV positive status, which is evident from the medical report issued by the Jail Doctor dated 28.01.2026 and the letter of the same date, filed herewith as Annexure A-5 (Colly). He also submits that the present applicant is in jail since 13.01.2026 and conclusion of the trial is likely to take quite long time. Therefore, he prays for grant of regular bail to the applicant.

4. On the other hand, learned Panel Lawyer opposes the bail application of the present applicant and submit that the charge-sheet has been filed in the present case before the competent Court and also endorse the submission made by the learned counsel for the applicant.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Considering the overall facts and circumstances of the case, particularly the nature of allegation and the quantity of contraband alleged to have been seized (1.5 Kgs of Ganja), and further considering that the applicant was earlier released on bail by the learned Trial Court vide order dated 22.04.2020 but subsequently remained absent, on account of which arrest warrants were issued against him, however, he has now voluntarily surrendered before the Trial Court on 13.01.2026, this Court is of the considered opinion that his act of surrender deserves due consideration. Further, taking into account that the applicant is suffering from HIV positive status as reflected from the medical documents available on record, and that the trial is likely to take some time for its conclusion, this Court is of the opinion that the applicant is entitled to be released on bail in this case.
7. It is further observed that the co-accused, namely Loman Singh Rajput, who was also granted bail by the Trial Court, has absconded and an arrest warrant has been issued against him and the trial is still pending, however, the case of the present applicant

shall proceed separately in accordance with law and the conduct of the co-accused shall not prejudice the present applicant.

8. Accordingly, the bail application of the applicant is **allowed**. Let the Applicant – **Suprit Sarthi**, involved in Crime No. 126/2020 registered at Police Station Khairagarh, District- Khairagarh- Chhuikhadan-Gandai (C.G.) for the offence under Section 20(B) of the Narcotic Drugs and Psychotropic Substances Act, 1985, be released on bail on furnishing **personal bond** with **two heavy sureties** in the like sum to the satisfaction of the Court concerned with the following conditions:-

(i) The applicant shall file an undertaking to the effect that he 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 applicant shall remain present before the trial court on each date fixed, either personally or through his counsel. In case of his absence, without sufficient cause, the trial court may proceed against him under Section 269 of Bharatiya Nyaya Sanhita.

(iii) In case, the applicant misuses the liberty of bail during trial and in order to secure his presence, proclamation under Section 84 of BNSS. is issued and the applicant fails to appear before the Court on

the date fixed in such proclamation, then, the trial court shall initiate proceedings against him, in accordance with law, under Section 209 of the Bharatiya Nyaya Sanhita.

(iv) The applicant 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 applicant is deliberate or without sufficient cause, then it shall be open for the trial court to treat such default as abuse of liberty of bail and proceed against him in accordance with law.

9. However, this Court hopes and trusts that the trial Court shall make an earnest endeavour to conclude the trial as expeditiously as possible within a period of **six months** from the receipt of a certified copy of this order in accordance with law, if there is no legal impediment.
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