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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 1615 of 2026

Satyaprakash Sahu S/o Svambar Prasad Sahu Aged About 25 Years R/o Dabripara, Ward No. 6, P.S. Bhaiyanath Surajpur, District Surajpur (C.G.) Currently Residing At Rented House Of P. Arun, Road No. 3, Smriti Nagar, P.S. Supela, Bhilai District Durg (C.G.) Note - (Name Of The Father Is Wrongly Mentioned In The Certified Copy Of The Impugned Order) ... **Applicant**

versus

State Of Chhattisgarh Through P.S. Supela, Opp. Smriti Nagar Bhiali, District Durg (C.G.) ...**Non-applicant**

For Applicant : Mr. P. R. Patankar, Advocate

For Non-Applicant/State : Mr. Shailendra Sharma, Panel Lawyer

Hon'ble Shri Ramesh Sinha, Chief Justice

Order on Board

17.03.2026

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. 1120/2025 registered at Police Station - Supela District Durg (C.G.), for the offences punishable under Section 22, 8(b), 27(A) of the



N.D.P.S. Act.

2. The prosecution story, in brief, is that on 19.09.2025 at around 1:40 P.M., Sub-Inspector Guruvinder Singh Sandhu received information by the informant that one person wearing brown shirt and having beard was standing near Smriti Nagar Chowk and was selling banned tablets. When the police party reached the said spot, after completing all the formalities, they allege that they found the accused with matching description and it is further alleged that in his possession, a white Hero Pleasure bearing No. CG-09-JB-5685 containing a white Bajaj footwear bag was found. Also the case of the prosecution is that in the said white bag, SPAS-TRANCAN-PLUS (TRADAMADOL) capsules 05 boxes of 06 strips each containing 24 tablets in a strip, total of 720 tablets, and one box containing 3 strips with 50 tablets, 2 strips with 30 tablets of NITRAZAPEM Tablets I.P. NITZASCEN, a total of 210 tablets, were found.
3. Learned counsel for the applicant submits that the applicant is an innocent person and has been falsely implicated in this offence. It is further submitted that the alleged quantity seized is more than small quantity but less than commercial quantity, and thus he is entitled to be considered for bail. The charge-sheet has already been filed and no custodial interrogation is required. The mandatory provisions relating to search and seizure have not been duly followed, as the alleged contraband contained in capsule strips has not been properly weighed, and the benefit of such lapses ought to be extended to the applicant. The applicant has no criminal antecedents or background. Furthermore, the alleged seizure of tablets was not made from the



personal possession of the applicant but from a nearby vehicle, and the prosecution has failed to establish the applicant's conscious possession of the same. The applicant is a 25-year-old individual who has completed his B.Pharmacy degree, and his continued incarceration with hardened criminals is likely to have an adverse impact on his mental and physical well-being. He is a permanent resident of Chhattisgarh as mentioned in the cause title, and there is no likelihood of his absconding. The applicant undertakes to furnish adequate surety and to abide by all such terms and conditions as may be imposed by this Hon'ble Court while granting bail.

4. On the other hand, learned counsel appearing for the State/non-applicant opposes the bail application and submits that the charge-sheet has already been filed before the competent Court. It is further submitted that a substantial quantity of contraband, namely SPAS-TRANCAN-PLUS (Tramadol) capsules comprising 05 boxes containing 06 strips each with 24 tablets per strip (total 720 tablets), along with Nitrazepam Tablets I.P. (NITZASCEN) comprising one box containing 3 strips of 50 tablets each and 2 strips of 30 tablets each (total 210 tablets), has been seized from the possession of the applicant. In view of the nature and quantity of the seized contraband and the seriousness of the allegations, the applicant is not entitled to be granted bail.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Taking into consideration the facts and circumstances of the case, it is observed that the contraband allegedly seized from the possession of



the applicant, namely SPAS-TRANCAN-PLUS (Tramadol) capsules and Nitrazepam tablets, is less than commercial quantity. Further, considering that the charge-sheet has already been filed before the competent Court, that the applicant has been in custody since 19.09.2025, and that the conclusion of the trial is likely to take some time, this Court is of the considered view that the applicant is entitled to be released on bail. Accordingly, the bail application is allowed.

7. Let the Applicant – **Satyaprakash Sahu**, involved in Crime No. 1120/2025 registered at Police Station - Supela District Durg (C.G.), for the offences punishable under Section 22, 8(b), 27(A) of the N.D.P.S. Act, be released on bail on his furnishing **personal bond** with **two local 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



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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.

8. 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

Vaibhav