



2026:CGHC:13004



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 1717 of 2026

1. Pawan Manhare S/o Late Ramkhilawan Manhare Aged About 39 Years
R/o - Krishna Nagar Chowk Near Durga Mandir P.S. Supela, District -
Durg (C.G.)
2. Jitendra Dasriya S/o Bhojraj Dasriya Aged About 20 Years R/o - Idgah
Chowk Junwani Road Chowki Smriti Nagar P.S. - Supela Distric - Durg
(C.G.) (As Per Challan)

... Applicants

versus

State of Chhattisgarh Through Police Station Abhanpur District - Raipur
(C.G.)

... Non-applicant

For Applicants	: Ms. Madhunisha Singh, Advocate.
For Non-applicant/State	: Ms. Smriti Shrivastava, Panel Lawyer.

Hon'ble Mr. Ramesh Sinha, Chief Justice

Order on Board

18.03.2026

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 applicants
who have been arrested in connection with Crime No. 453/2025
registered at Police Station Abhanpur, District Raipur (C.G.) for the
offence under Sections 20(B) of the Narcotic Drugs and Psychotropic
Substances Act, 1985.
2. The case of the prosecution is that, on receiving information from an



informer on 09.12.2025, the police of Police Station Abhanpur, District Raipur, recovered 15.750 kg of ganja (contraband) from the joint possession of the applicants and other co-accused persons. Thereafter, the police registered Crime No. 453/2025, and the applicants were arrested in the said matter.

3. It is argued by learned counsel for the applicants that the applicants have been falsely implicated in the present case. She further submits that the prosecuting agency has not complied with the mandatory provisions of Section 42 of the NDPS Act, as no search warrant was obtained from the competent/superior authority. It is also submitted that an intermediate quantity of Ganja was seized from the joint possession of the applicants and other co-accused persons, and therefore, the rigours of Section 37 of the NDPS Act are not attracted, as the commercial quantity of Ganja prescribed under the schedule is more than 20 kilograms, whereas only 15.750 kilograms has been seized in the present case. Learned counsel further submits that the applicants have no criminal antecedents under the NDPS Act and have been in judicial custody since 09.12.2025. Considering that the conclusion of the trial is likely to take a considerable period of time, she prays for grant of regular bail to the applicants.
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 in the present case. It is further submitted that 15.750 kilograms of contraband Ganja has been seized from the joint possession of the applicants and other co-accused persons. Therefore, it is contended that the present applicants are not entitled to the grant of 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 and the fact that 15.750 kilograms of contraband Ganja has been seized from the joint possession of the applicants and other co-accused persons, which is less than the prescribed commercial quantity, and that the applicants have no criminal antecedents under the NDPS Act, this Court finds merit in the application. Further, considering that the charge-sheet has already been filed before the competent Court and the applicants have been in custody since 09.12.2025, and that the conclusion of the trial is likely to take some time, this Court is of the view that the applicants are entitled to be released on bail.
7. Accordingly, the bail application is allowed.
8. Let the Applicants - **Pawan Manhare** and **Jitendra Dasriya**, involved in Crime No. 453/2025 registered at Police Station Abhanpur, District Raipur (C.G.) for the offence under Sections 20(B) of the Narcotic Drugs and Psychotropic Substances Act, 1985, be released on bail on furnishing **personal bond** with **two sureties each** in the like sum to the satisfaction of the Court concerned with the following conditions:-
- (i) The applicants shall file an undertaking to the effect that they 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 applicants shall remain present before the trial court on each date fixed, either personally or through their counsel. In case of their absence, without sufficient cause, the trial court may proceed against them under Section 269 of Bharatiya Nyaya Sanhita.



(iii) In case, the applicants misuse the liberty of bail during trial and in order to secure their presence, proclamation under Section 84 of BNSS. is issued and the applicants fail to appear before the court on the date fixed in such proclamation, then, the trial court shall initiate proceedings against them, in accordance with law, under Section 209 of the Bharatiya Nyaya Sanhita.

(iv) The applicants 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 applicants are 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 them in accordance with law.

9. Office is directed to send a certified copy of this order to the trial Court concerned for necessary information and compliance.

Sd/-
(Ramesh Sinha)
Chief Justice

Abhishek