



2026:CGHC:9498



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NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****MCRC No. 1867 of 2026**

Hari Nagwani S/o Prakash Nagwani Aged About 25 Years R/o Ward No. 40, Torwanaka, Police Station Torwa, District Bilaspur, Chhattisgarh.

... Applicant**versus**

State of Chhattisgarh Through The Officer In Charge Of Police Station Singhoda, District Mahasamund, Chhattisgarh.

... Non-applicant

For Applicant : Mr. Ashutosh Trivedi, Advocate.

For Respondent/State : Mr. Shubham Bajpai, Panel Lawyer.

Hon'ble Mr. Ramesh Sinha, Chief Justice**Order on Board****24.02.2026**

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. 121/2024 registered at Police Station Singhoda, District Mahasamund (C.G.) for the offence punishable under Section 21(C) of Narcotic Drugs and Psychotropic Substances Act, 1985.
2. The first bail application of the applicant was rejected on merits by this Court vide order dated 21.04.2025 passed in MCRC No. 2995 of 2025.



3. As per the prosecution story, in brief, on 14.11.2024 at about 12:30 PM, the police received secret information from an informer that two persons were transporting cough syrup on a motorcycle. Acting upon the said information, the police intercepted them and, during search, allegedly recovered 120 bottles of Onerex Cough Syrup from the possession of the present applicant and co-accused, namely Shiva Goyal. Thereafter, the applicant and the co-accused were arrested, and upon completion of investigation, a charge-sheet has been filed before the learned Special Court for the aforesaid offence.
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. 2995 of 2025 on 21.04.2025. He would submit that the applicant is in jail since 14.11.2024, charge sheet has been filed. He further submits that the independent witnesses have been examined and not supported the case of the prosecution and have turned hostile, 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 and submits that the second bail application of the other co-accused person, namely Shiva Goyal, has already been rejected by this Hon'ble Court in MCRC No. 8154/2025 vide order dated 14.10.2025.
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. 2995/2025 vide order dated 21.04.2025. Further the fact that the contraband article i.e. 120 bottles of Onerex Cough Syrup were recovered from the possession of the present applicant and co-accused persons, which is above the commercial quantity. The ground raised in this second bail application is that the applicant has been in jail since 14.11.2024 and the independent witnesses have been examined and not supported the case of the prosecution and have turned hostile.
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- **Hari Nagwani**, involved in Crime No. 121/2024 registered at Police Station Singhoda, District Mahasamund (C.G.) for the offence punishable under Section 21(C)



of Narcotic Drugs and Psychotropic Substances Act, 1985, is
rejected.

10. 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 **four months** from the receipt of certified copy of this order in accordance with law, if there is no legal impediment.
11. 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

Rahul Dewangan