



2026:CGHC:17193

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 1893 of 2026

Randeep Singh S/o Dilbag Singh Aged About 21 Years R/o New Khursipar Masal Chowk Sai Mandir, Bhilai, Tehsil And District- Durg, Chhattisgarh.

... Applicant(s)

versus

State Of Chhattisgarh Through - Police Station - Chawni Durg, District- Durg, Chhattisgarh.

... Non-applicant(s)

For Applicant	: Mr. Virendra Kashyap, Advocate
For Non-applicant/State	: Mr. Sourabh Sahu, Panel Lawyer

Hon'ble Shri Ramesh Sinha, Chief Justice

Order on Board

15.04.2026

1. The applicant has preferred this First Bail Application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS) for grant of regular bail, as he has been arrested in connection with Crime No.02/2026, registered at Police Station- Chawni, District Durg (C.G.) for the offence punishable under Sections 8, 21(b), 27(A) of Narcotic Drugs and Psychotropic Substances Act.
2. As per the prosecution case, on 02.01.2026, Assistant Sub-Inspector Tulsi Binjhekar of Police Station Khursipar received

credible information from an informant that accused Mithlesh Pathak and Parmeshwar Thakur were illegally selling narcotic substance (heroin) near Mini Stadium Sulabh, Dabarapara, Khursipar for unlawful gain. Acting upon the said information, the police team along with staff and independent witnesses reached the spot, conducted a raid, and apprehended the accused Mithlesh Pathak and Parmeshwar Thakur. Upon search, heroin was recovered from their possession. During the proceedings, memorandum statements of the applicants/accused were recorded, wherein they disclosed that they used to procure heroin from a person named "Bire Sardar" in Punjab at the instance of Rajji and Kishan Kumar. They further stated that they supplied the heroin to Rajji and Kishan Kumar, who in turn provided them heroin and money, which they used to sell to the present applicant and other co-accused persons. It was also revealed that all the accused persons used to consume drugs together in a group and assemble near the stadium wall. Based on the said disclosure, the present applicant and other co-accused persons were apprehended and from their separate possession, a total of 18.370 grams of heroin along with cash was seized. No valid documents were produced by them in respect of the seized contraband. The case diary further reveals that the seized substance contains Diacetylmorphine (heroin), which is a psychotropic/narcotic substance. As per Schedule-I of the NDPS Act, 1985, Diacetylmorphine is categorized as a narcotic drug, with small quantity prescribed as 5 grams and commercial quantity as 250 grams.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the present case, having neither committed nor participated in the alleged offence, and is in judicial custody since 02.01.2026. It is further submitted that the alleged recovery of 18.370 grams of Diacetylmorphine is below commercial quantity, and therefore, the rigours of Section 37 of the NDPS Act are not attracted. The implication of the applicant is based solely on memorandum statements of co-accused, which have limited evidentiary value and no recovery has been made from his exclusive and conscious possession in accordance with law. It is further submitted that the applicant is a first-time offender having no criminal antecedents and the observation regarding alleged criminal tendencies is without any supporting material. There is no independent public witness and the case rests only on police witnesses, while mandatory provisions of the NDPS Act relating to search, seizure, sampling and custody have not been strictly complied with. The alleged quantity is a combined recovery without specific attribution to the applicant. It is also submitted that in the present case, charge-sheet has been filed before the competent Court, the conclusion of the trial is likely to take some time, hence, he prays to enlarge the present applicants on bail.
4. Learned counsel for the State opposes the prayer for grant of bail and submits that in the present case, charge-sheet has been filed before the competent Court, so far as the criminal antecedents of the applicant are concerned he has two criminal antecedents out of which one case has been disposed of and one is pending as the

same has been explained through additional affidavit and further the quantity of contraband article which has been recovered from the joint possession of the co-accused, is less than commercial quantity and the present applicant has been implicated on the basis of memorandum. However, the applicant is not entitled for grant of bail.

5. I have heard learned counsel for the parties and perused the case diary.
6. Considering the facts and circumstances of the case, nature and gravity of the offence alleged against the applicant and further taking into account that the charge-sheet has already been filed before the competent Court and so far as the criminal antecedents of the applicant are concerned, the applicant has two antecedents out of which one case relating to the IPC has been disposed of and the other case under the Arms Act is pending, however, there is no antecedent under the NDPS Act and further considering that the quantity of contraband allegedly recovered from the joint possession of the co-accused is less than commercial quantity and that the applicant has been implicated only on the basis of the memorandum statement of co-accused and that the conclusion of the trial is likely to take some time, and the applicant is in custody since 02.01.2026 therefore, without commenting anything on the merits of the case, I am inclined to grant bail to the applicant.
7. Accordingly, the bail application of the applicant is **allowed**.
8. Let applicant namely **Randeep Singh**, involved in Crime No.02/2026, registered at Police Station- Chawni, District Durg

(C.G.) for the offence punishable under Sections 8, 21(b), 27(A) of Narcotic Drugs and Psychotropic Substances Act, be released on bail on his furnishing **a personal bond** with **two 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 Bharatiya Nyaya Sanhita is issued and the applicant fail 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 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. Office is directed to provide a certified copy of this order to the trial Court concerned for necessary information and compliance forthwith.

Sd/-

(Ramesh Sinha)
Chief Justice

Kunal