



2026:CGHC:10265



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NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****MCRC No. 1923 of 2026**

Gyanchand Gautam S/o Rajkumar Gautam Aged About 21 Years At
Parsath, P.O. Belwa, P.S. Mariahu, District Jaunpur, Uttar Pradesh
(Incorrectly Mentioned C.G. In Impugned Order)

... Applicant(s)**versus**

State Of Chhattisgarh Through S.H.O. P.S. Mainpur, District Gariyaband
C.G.

... Respondent(s)

For Applicant(s) : Mr. Sudhanshu Kumar Singh, Advocate.
For Respondent(s) : Mr. Shailendra Sharma, Panel Lawyer.

Hon'ble Mr. Ramesh Sinha, Chief Justice**Order on Board****27.02.2026**

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. 46/2025 registered at Police Station Mainpur, District Gariyaband (C.G.) for the offence punishable under Section 20 (B) of the



Narcotic Drugs and Psychotropic Substances Act, 1985.

- 2.** Case of the prosecution, in brief, is that on 06.04.2025, the police of Police Station Mainpur, District Gariyaband (C.G.), received credible information that four persons were illegally transporting Ganja on two motorcycles from Devbhog towards Mainpur for the purpose of sale. Acting upon the information, the police intercepted the accused near Mainpur bus stand and apprehended Sahid Ali, Rohit Sonkar, Shivchand Yadav, and Gyanchand Goutam. Upon search, 10 kg of Ganja was recovered from Sahid Ali and 13 kg from Shivchand Yadav, totaling 23 kg of contraband. From Rohit Sonkar and Gyanchand Goutam, motorcycles and mobile phones were seized, though no contraband was recovered from them. All accused were arrested on the same day and Crime No. 46/2025 was registered under Section 20(b)(ii)(B) of the NDPS Act. After completion of investigation, charge-sheet was filed before the competent court.
- 3.** Learned counsel for the applicant submits that the first bail application was rejected by this Court on merits vide order dated 10.07.2025, therefore this second bail application is filed on the ground that the applicant is in jail since 06.04.2025 and the conclusion of trial is likely to take some time, therefore, he prays for releasing the applicant on regular bail.
- 4.** On the other hand, learned State counsel opposes the bail application and submits that from the joint possession of the co-accused, Sahid Ali and Shivchand Yadav, a total quantity of 23 kilograms of Ganja was recovered, which is above the prescribed



commercial quantity and the present applicant was actively accompanied the said co-accused and was involved in the joint transportation of the contraband substance. Therefore, the applicant is not entitled for the grant of bail.

5. I have heard learned counsel for the parties and perused the case diary.
6. From perusal of the records, it transpires that this is the second bail application of the applicant and first bail application of the applicant was rejected by this Court vide order dated 10.07.2025 in MCRC No. 4435 of 2025 on the ground that the contraband substance i.e. 23 kilograms of Ganja seized from the joint possession of the co-accused, Sahid Ali and Shivchand Yadav is above the prescribed commercial quantity and they have failed to provide plausible explanation regarding the same, though there was no direct seizure of contraband substance has been made from the present applicant, but the applicant was actively accompanied the said co-accused in the joint transportation of the contraband substance and was arrested on the spot along with other co-accused persons in the alleged organized crime. So far as the status of trial is concerned, out of 13 witnesses, the statement of 02 witnesses have already been recorded before the trial Court.
7. So far as the ground of incarceration taken by the applicant is concerned, 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.

8. 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
9. was much above the commercial quantity, further there appears to be no good ground.
10. Accordingly, the second bail application of the applicant- **Gyanchand Gautam**, involved in Crime No. 46/2025 registered at Police Station Mainpur, District Gariyaband (C.G.) for the offence punishable under Section 20 (B) of the Narcotic Drugs and Psychotropic Substances Act, 1985, is **rejected** at this stage.
11. Needless to say that the trial Court concerned is at liberty to proceed and concluded the trial expeditiously.
12. Office is directed to provide a certified copy of this order to the trial Court concerned for necessary information and compliance.

Sd/-

(Ramesh Sinha)
CHIEF JUSTICE