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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 1909 of 2026

Rahul Thakur S/o Yogendra Thakur Aged About 30 Years R/o
Khokhopara, Purani Basti, District Raipur Chhattisgarh

... Applicant(s)

versus

State Of Chhattisgarh Through Incharge Police Station Kotwali, District
Raipur Chhattisgarh

... Respondent(s)

For Applicant(s) : Mr. Manoj Paranjpe, Sr. Advocate assisted by
Mr. Prateek Singh Thakur, Advocate

For Respondent(s) : Mr. Nitansh Jaiswal, Dy. G.A.

Hon'ble Shri Ramesh Sinha, Chief Justice

Order on Board

27.02.2026

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.348/2025, registered at Police Station- Kotwali, District- Raipur (C.G.) for the offence punishable under Section 21(A) of the NDPS Act and Section 25 of the Arms Act.
2. As per the prosecution case, on 16.12.2025, the police of Police Station- Kotwali received secret information that the applicant was sitting in a Scorpio vehicle without a number plate for the purpose of



selling contraband substances, namely heroin and MD. Upon receipt of the said information, the police summoned independent witnesses and prepared the necessary panchnama. The information was also communicated to the Superintendent of Police, Raipur, and thereafter a raid was conducted. The applicant was intercepted near Garden Road, Budha Talab. A notice under Section 50 of the NDPS Act was served upon him, and his personal search was conducted, leading to the alleged recovery of contraband substances. A weighment panchnama was prepared on the spot. It is further alleged that the applicant was found in possession of 1.18 grams of heroin, 1.34 grams of brown sugar, cash amounting to Rs. 16,000/-, along with one pistol and four live cartridges. The seized articles were duly sealed in accordance with law. A Dehati Nalishi was recorded, and after completion of investigation, the charge-sheet/challan has been filed against the applicant. Hence this bail application.

3. Learned counsel for the applicant submits that the applicant has not committed any offence punishable with death or imprisonment for life and has been falsely implicated in the present case. It is contended that the allegations as reflected in the FIR are false, baseless and politically motivated, as the applicant is an active member of the Congress Party and the present FIR has been lodged only to settle political scores and out of personal vendetta. From a bare perusal of the FIR, it is apparent that the same has been registered with malafide intention to harass the applicant and to wreak personal grudge. It is further submitted that a false and



fabricated story has been created, which is evident from the newspaper report dated 17.12.2025, wherein it has been reported that the applicant was taken into police custody at midnight between 15.12.2025 and 16.12.2025 (around 12:30 AM). If the applicant was already in custody at that time, the subsequent registration of FIR at 11:36 PM on 16.12.2025 becomes highly doubtful. The said newspaper report also reflects that the incident allegedly took place at Baijnathpara and not at Garden Road, Budha Talab, as mentioned in the FIR, and the image published therein shows the pistol, four bullets and cash of Rs.16,000/- already seized, thereby creating serious doubt regarding the alleged recovery at 07:30 PM on 16.12.2025. The image of the Scorpio vehicle published in the newspaper matches the description in the FIR, further indicating that the story has been manipulated subsequently. It is thus submitted that the FIR is an afterthought and the entire seizure and other proceedings reflected in the charge-sheet are vitiated, particularly when the applicant was already in custody.

4. Learned counsel for the applicant further contend that the charge-sheet cites as many as 15 witnesses, the trial is likely to take considerable time and even charges have not yet been framed. The alleged psychotropic substances recovered from the applicant fall within small quantity as per the schedule of the NDPS Act. Moreover, though the alleged incident is stated to have occurred at a busy and crowded place, no independent witnesses from the locality have been examined, which casts serious doubt on the



prosecution story. Further, so far as criminal antecedents of the applicant is concerned, the same has been explained in para 4A of the bail application which reflects that applicant has only one case pending against him under Section 3, 4 of the C.G. Gambling Prohibition Act. He lastly submits that the applicant is in judicial custody since 16.12.2025 and has completed more than two months in jail and further, conclusion of the trial is likely to take some time, hence he prays for grant of bail to the applicant.

5. Learned counsel appearing for the State/non-applicant opposes the bail application of the applicant and also the submissions advanced by learned counsel for the applicant, but could not dispute the fact that the psychotropic substance seized from the applicant is less than commercial quantity.
6. I have heard learned counsel for the parties and perused the case diary.
7. Considering the overall facts and circumstances of the case, particularly that the alleged contraband seized from the applicant is below commercial quantity and falls within small/intermediate quantity and, therefore, the rigours of Section 37 of the NDPS Act are not attracted. The charge-sheet has already been filed and the applicant is in judicial custody since 16.12.2025. Further, so far as the criminal antecedent is concerned, the same has been explained and the applicant is stated to have only one case of minor nature pending against him, this Court is inclined to grant bail. Without expressing any opinion on the merits of the case, the bail



application is accordingly allowed.

8. Let applicant, **Rahul Thakur**, involved in Crime No.348/2025, registered at Police Station- Kotwali, District- Raipur (C.G.) for the offence punishable under Section 21(A) of the NDPS Act and Section 25 of the Arms 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 them 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 fails to appear before the court on the date fixed in such proclamation, then, the trial court shall initiate



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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

Rahul Dewangan