



2026:CGHC:9959-DB



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPCR No. 116 of 2026

Saddam Khan S/o Shri Aftab Khan Aged About 23 Years R/o Hemu Nagar,
Near Chandan Pan Thela, P.S. Torwa, Distt. Bilaspur, Chhattisgarh.

... Petitioner

versus

1 - State Of Chhattisgarh Through The Secretary, Home (Jail) Department,
Mantralaya, Mahanadi Bhawan, Raipur, Chhattisgarh.

2 - The Director General Prisons And Correctional Services Chhattisgarh,
Head Quarter Prisons And Correctional Services Chhattisgarh, Raipur,
Chhattisgarh.

3 - The District Magistrate Bilaspur, Chhattisgarh.

4 - The Senior Superintendent Of Police Bilaspur, Chhattisgarh.

5 - The Jail Superintendent Central Jail Bilaspur, Chhattisgarh.

... Respondents

(Cause Title taken from Case Information System)

For Petitioner	:	Mr. Rishi Rahul Soni, Advocate
For Respondents/State	:	Mr. Shaleen Singh Baghel, Govt. Advocate



Hon'ble Shri Ramesh Sinha, Chief Justice
Hon'ble Shri Ravindra Kumar Agrawal, Judge

Order on Board

Per Ramesh Sinha, Chief Justice

26/02/2026

1. The present writ petition under Article 226 of the Constitution of India has been filed calling in question the legality and validity of the order dated 14.11.2025 (Annexure P/1) passed by the District Magistrate, Bilaspur in Criminal Case No. 51/2025, whereby the petitioner's application preferred under the C.G. Prisoners Leave Rules, 1989 for grant of parole for a period of 14 days has been rejected.
2. Facts of the case as emerges from the pleadings of the petition are that, the petitioner is presently lodged in Central Jail, Bilaspur, and is in custody since 03.08.2023. He was convicted by the Court of the learned Special Judge (N.D.P.S.), Bilaspur in Special Session (N.D.P.S.) Case No. 117/2023 vide judgment dated 29.08.2024 for the offence punishable under Section 21(C) of the Narcotic Drugs and Psychotropic Substances Act, 1985 and sentenced to undergo rigorous imprisonment for 15 years along with fine of Rs. 1,50,000/-, with default stipulation. The appeal preferred by the petitioner against the said conviction being Criminal Appeal No. 1822/2024 was dismissed by this Court vide judgment dated 22.04.2025, and thus the conviction and sentence attained finality.

Thereafter, the petitioner submitted an application under the C.G. Prisoners Leave Rules, 1989 seeking grant of parole for a period of 14



days. The said application was forwarded by the Jail Superintendent, Central Jail, Bilaspur to the District Magistrate, Bilaspur for consideration. During the process, the Senior Superintendent of Police, Bilaspur submitted a report dated 07.11.2025 wherein it was not recommended to release the petitioner on parole. Acting upon the said report and other materials, the District Magistrate, Bilaspur passed the impugned order dated 14.11.2025 in Criminal Case No. 51/2025 rejecting the application for parole, primarily on the ground of apprehension of absconding and alleged involvement in another criminal case.

Aggrieved by the rejection of his application for parole, the petitioner has preferred the present writ petition contending that the impugned order is arbitrary and contrary to the provisions of the C.G. Prisoners Leave Rules, 1989, and that the ground regarding his involvement in another criminal case is factually incorrect in view of his acquittal therein.

3. Learned counsel for the petitioner submits that the impugned order dated 14.11.2025 rejecting the petitioner's application for parole under the C.G. Prisoners Leave Rules, 1989 is unsustainable in law as the same has been passed on wholly erroneous and irrelevant considerations. It is contended that the principal ground for rejection of the application is the apprehension that the petitioner is likely to abscond if released on parole and further on the premise that he is wanted in another criminal case.

Elaborating the submission, learned counsel submits that the



authority has referred to Criminal Case No. 362 of 2012 arising out of Crime No. 164 of 2012 registered at Police Station Torwa, District Bilaspur for the offences under Sections 148, 294, 506 Part-II, 323/34 and 324 IPC, and has treated the petitioner as being involved therein. However, it is pointed out that the petitioner has already been acquitted in the said case by the Court of Judicial Magistrate First Class, Bilaspur vide judgment dated 28.09.2018. Thus, the very basis on which the apprehension has been recorded by the authority is factually incorrect and non-existent.

Learned counsel submits that the acquittal of the petitioner in the aforesaid case has not been considered by the authorities concerned while passing the impugned order. The rejection is, therefore, vitiated by non-application of mind and failure to consider relevant material. It is argued that a mere bald apprehension of absconding, unsupported by cogent material, cannot be a valid ground to deny parole, particularly when the petitioner has no subsisting criminal antecedent and has already been acquitted in the case relied upon by the authority.

It is further submitted that the petitioner is in custody since 03.08.2023 and has not been granted any leave till date. There is no adverse report regarding his jail conduct and he fulfills the eligibility criteria prescribed under the C.G. Prisoners Leave Rules, 1989. The sureties proposed by the petitioner are close relatives who are ready and willing to undertake responsibility to ensure his surrender after expiry of the parole period. On these grounds, learned counsel prays that the impugned order be set aside and the matter be directed to be



reconsidered afresh by the competent authority in accordance with law, after taking into account the fact of acquittal and other relevant considerations.

4. Learned State counsel opposes the writ petition and supports the impugned order dated 14.11.2025 passed by the District Magistrate, Bilaspur. It is submitted that the application for parole was considered in accordance with the C.G. Prisoners Leave Rules, 1989 and after obtaining the requisite report from the Senior Superintendent of Police, Bilaspur. The police report did not recommend release of the petitioner on parole and indicated apprehension that, considering the nature of the offence and surrounding circumstances, there exists a possibility of the petitioner absconding if released. It is contended that the competent authority, being satisfied on the basis of the material available on record, exercised its discretion to reject the application in the interest of public safety and order.

It is further submitted that grant of parole is not a matter of right but is subject to satisfaction of the competent authority regarding security considerations and overall conduct of the prisoner. The authority is entitled to take into account antecedents and other relevant factors while forming its opinion. In such circumstances, it is argued that the impugned order does not suffer from any illegality or perversity warranting interference under Article 226 of the Constitution of India, and the petition deserves to be dismissed.

5. Having heard learned counsel for the parties and perused the material available on record, this Court finds that the impugned order dated



14.11.2025 has been passed primarily on the ground that there exists an apprehension of the petitioner absconding if released on parole and that he is wanted in another criminal case. Learned counsel for the petitioner has specifically contended that in Criminal Case No. 362 of 2012 arising out of Crime No. 164 of 2012 registered at Police Station Torwa, District Bilaspur, the petitioner has already been acquitted by the Court of Judicial Magistrate First Class, Bilaspur vide judgment dated 28.09.2018 and that the said fact was not duly considered by the competent authority while passing the impugned order. Without entering into the merits of the rival submissions and without expressing any opinion on the entitlement of the petitioner for grant of parole, this Court is of the view that the ends of justice would be met if the petitioner is granted liberty to approach the competent authority afresh.

6. Accordingly, the writ petition is **disposed of** with liberty to the petitioner to make a fresh application for grant of parole along with all relevant documents, including the judgment of acquittal and any other material in support of his claim. In the event such application is filed, the authorities concerned shall consider and decide the same strictly in accordance with law, taking into account the relevant documents and facts submitted by the petitioner. It is further directed that the competent authority shall reconsider the matter afresh, uninfluenced by the earlier order, if any such application is moved again.

Sd/-
(**Ravindra Kumar Agrawal**)
Judge

Sd/-
(**Ramesh Sinha**)
Chief Justice