



2026:CGHC:17890



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 2038 of 2026

Rajnish Pandey @ Anku, Aged About 32 Years, S/o Munnalal Pandey
R/o Balaji Nagar, Zone 02, Sector 11, Street No. 52, Quarter No. 1/A,
P.S. Khursipar, Bhilai, Distt. Durg, Chhattisgarh.

... Applicant

versus

State Of Chhattisgarh Through SHO, P.S. Khursipar, Bhilai, Distt. Durg,
Chhattisgarh.

... Respondent

For Applicant : Shri Akash Mishra, Advocate.

For : Ms. Monika Thakur, PL.

Respondent/State

Hon'ble Mr. Ramesh Sinha, Chief Justice

Order on Board

20/04/2026

1. This is the first bail application filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the applicant who has been arrested in connection with Crime No. 282/2025 registered at Police Station



Khursipar, Bhilai, District Durg (C.G.) for offence punishable under Sections 22 C/ (8), 27(A) of the NDPS Act and 113 (3) of the B.N.S.

2. Case of the prosecution, in brief, is that on 03.10.2025, Assistant Sub-Inspector Motilal Mahilwar of Police Station Khursipar received information from an informant that some individuals at Khursipar Ground were illegally possessing and selling intoxicating capsules and tablets. Acting on this information, he, along with the police staff and witnesses, reached the spot, surrounded the area, and conducted a raid. The applicant/accused and other accused persons were taken into custody. After issuing legal notices for their search and conducting the search, 192 prohibited Proxyco Spas capsules were recovered from the possession of the applicant/accused, and a total of 2044 intoxicating capsules were seized from the other accused persons. The accused failed to produce any valid legal documents regarding these substances. A criminal case (Crime No. 282/2025) has been registered against the applicant/accused and other co-accused by Police Station Khursipar, District Durg, under Sections 22 C/ (8), 27(A) of the NDPS Act and 113 (3) of the B.N.S.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case and the contraband article was not seized from the exclusive possession of the applicant. He



further submits that that prosecution agency has not followed the provisions under Section 42 of the NDPS Act and not taken search warrant from the superior authority. He also submits that the seized contraband article is less than the commercial quantity. He further submits that co-accused has been granted bail by the trial court, the charge sheet has been filed, he is in jail since 03.11.2025 and the conclusion of the trial is likely to take quite long time. Therefore, he prays for grant of regular bail to the applicant.

4. On the other hand, learned counsel appearing for the State/non-applicant would oppose the bail application and submit that the charge-sheet has been filed in the present case before the competent Court. She submits that 192 prohibited Proxygco Spas capsules i.e. 139 mg were recovered from the possession of the applicant which is less than commercial quantity. She further submits that the applicant has three criminal antecedents which are of the year 2014, 2019 & 2021 which are not under the NDPS Act, therefore considering the fact, the present applicant is not entitled for grant of bail.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Taking into consideration the facts and circumstances of the case, further considering the fact that 192 prohibited Proxygco Spas capsules i.e. 139 mg recovered from the possession of the



applicant is less than commercial quantity, applicant has three criminal antecedents which are not under the NDPS Act and they are old and stale, charge sheet has been filed and also considering the fact that trial is likely to take some time for its conclusion, therefore this Court is of the view that the applicant is entitled to be released on bail in this case.

7. Accordingly, the bail application is allowed and it is directed that the Applicant- **Rajnish Pandey @ Anku**, involved in Crime No. 282/2025 registered at Police Station Khursipar, Bhilai, District Durg (C.G.) for offence punishable under Sections 22 C/ (8), 27(A) of the NDPS Act and 113 (3) of the B.N.S., 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 BNSS. is issued and the applicant fails 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 the 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.

- 8.** Office is directed to send a certified copy of this order to the trial Court concerned for necessary information and compliance.

Sd/-

(Ramesh Sinha)
Chief Justice