



2026:CGHC:17887

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****MCRC No. 2077 of 2026**

- Harshit Saxena S/o Rajendra Saxena Aged About 23 Years R/o Behind Vandana Auto Rajkund Near Nakul, Garage, Raipur (C.G.)

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

- State of Chhattisgarh Through- Sho Ps. Basna District- Mahasamund (C.G.)

... Respondent(s)**(Cause title is taken from Case Information System)**

For Applicant(s) : Mr. Akash Mishra, Advocate

For Respondent(s) : Ms. Palak Dwivedi, Panel Lawyer

Hon'ble Shri Ramesh Sinha, Chief Justice**Order on Board****20.04.2026**

1. The applicant has preferred this First Bail Application under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail, as he has been arrested in connection with Crime No. 13/2026, registered at Police Station – Basna, District – Mahasamund (C.G.) for the offence punishable under Section 20(B) of the Narcotic Drugs and Psychotropic Substances Act, 1985, for short, the NDPS Act.
2. The prosecution story, in brief, is that the investigating officer received classified information whereafter while conducting raid he seized 10 Kilo 450 Grams of Cannabis from the joint possession of

the applicant and 2 other co-accused after which the applicant was arrested and produced before the learned trial court which remanded him to judicial custody. The applicant is in custody since 05.01.2026 and the fact that the applicant has been remanded to judicial custody makes it apparent that there is no need of custodial interrogation. Hence, this application.

3. It has been argued by the learned counsel for the applicant that the applicant is innocent and has been falsely implicated in this case. It is submitted that the charge-sheet has been filed in this case. It is also submitted that from the joint possession of the applicant and other two co-accused persons less quantity of the psychotropic substance ganja has been seized, and therefore, it will not attract the rigors of Section 37 of the NDPS Act as the commercial quantity of ganja as prescribed under the schedule is more than 20 kgs of Ganja and from the joint possession of the applicant and other co-accused only 10 kgs 450 Grams of Cannabis has been seized. It is further submitted that there are no any criminal antecedents of the applicant, and only on the basis of memorandum statement of the co-accused persons, name of the applicant came into light and he is in jail since 05.01.2026 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, the learned counsel for the State opposes the bail application and submits that the charge-sheet has been filed in the present case and there are no any criminal antecedents of the applicant. It is submitted that a total of 10 kgs 450 Grams of Ganja has been recovered from the joint possession of the applicant and other co-accused, therefore, this bail application is liable to be

rejected.

5. I have heard learned counsel for the parties and perused the material available on record.
6. After hearing the submissions advanced by learned counsel for the parties as well as considering the quantity of Ganja seized from the joint possession of the applicant and other co-accused i.e. a total of 10 kgs 450 Grams, which is less than the commercial quantity. Also considering the fact that charge-sheet has been filed, and further that the applicant is in jail since 05.01.2026 and the conclusion of the trial is likely to take sometime, I am of the opinion that the applicant is entitled to be released on bail in this case.
7. Let the applicant, **Harshit Saxena**, involved in Crime No.13/2026, registered at Police Station – Basna, District – Mahasamund (C.G.) for the offence punishable under Section 20(B) of the Narcotic Drugs and Psychotropic Substances Act, 1985, for short, the NDPS Act, be released on bail on their 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 provide a certified copy of this order to the trial Court concerned for necessary information and compliance forthwith.

Sd/-
(Ramesh Sinha)
Chief Justice

Vaishali