



2026:CGHC:13192



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HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 2597 of 2026

Satish Chandra Prajapati S/o Premlal Aged About 26 Years R/o Village Kondra, Police Station-Hasayan, District Hathras (U.P.)

... Applicant(s)

versus

State Of Chhattisgarh Through The Police Station Farasgaon, District - Kondagaon (CG)

---- Non-Applicant(s)

For Applicants	: Mr. Shreyansh Pathak, Advocate (Through V.C.)
For Non-Applicant/State	: Mr. Shailendra Sharma, Panel Lawyer.

Hon'ble Mr. Ramesh Sinha, Chief Justice

Order on Board

19/03/2026

1. This is the First bail application filed under Section 483 of the Bhartiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to the applicant who has been arrested in connection with Crime No. 57/2024 registered at Police Station- Farasgaon, District- Kondagaon (C.G.), for the offence punishable under Sections 20(B) of the NDPS Act.
2. The prosecution's case, in brief, is that on the basis of secret information received from an informant, the police party acted upon such information and registered Crime No. 57/2024 at Police Station



Farasgaon, District Kondagaon against the present applicant and other co-accused for the offence punishable under Section 20(b) of the NDPS Act, 1985. It is alleged that on 26.05.2024, the applicant along with co-accused persons was found in possession of approximately 110.570 kilograms of contraband Ganja, which was being illegally transported in front of the Electricity Office situated at NH-30, Main Road, Farasgaon, within the jurisdiction of the said police station. On the basis of the aforesaid allegation, the present offence has been registered against the applicant.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the present case. The alleged recovery is planted and there is no independent and reliable evidence connecting the applicant with the contraband. It is further submitted that the mandatory provisions of the NDPS Act have not been complied with and the alleged search and seizure were conducted in violation of statutory safeguards, rendering the recovery doubtful. No independent witness has supported the prosecution case and the seizure witnesses have either turned hostile or are interested witnesses. The prosecution has failed to establish conscious and exclusive possession of the alleged contraband. It is further submitted that the applicant is in judicial custody since 26.05.2024 and the trial is progressing at a very slow pace, as out of 17 prosecution witnesses only 4 have been examined so far and there is no likelihood of early conclusion of trial. In the present case, the charge-sheet has already been filed before the competent Court and the applicant has no criminal antecedent.



Therefore, continued detention of the applicant would amount to pre-trial punishment and would be violative of Article 21 of the Constitution of India. Hence, it is prayed that the applicant be enlarged on bail.

4. On the other hand, learned State counsel opposes the prayer for grant of bail and submits that the applicant is involved in a serious offence under the NDPS Act involving commercial quantity of contraband, i.e., approximately 110.570 kilograms of Ganja, which is much above the prescribed commercial quantity. It is further submitted that there is sufficient material available on record against the applicant and the mandatory provisions of the NDPS Act have been duly complied with during search and seizure. Considering the nature and gravity of the offence as well as the huge quantity of contraband involved, the applicant is not entitled to be released on bail. Hence, the prayer for bail deserves to be rejected.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Considering the facts and circumstances of the case, nature and gravity of the offence levelled against the applicant and the fact that the quantity of contraband, i.e., approximately 110.570 kilograms of Ganja, said to have been recovered from the possession of the applicant along with other co-accused, is much above the prescribed commercial quantity, this Court is of the opinion that the grounds raised by learned counsel for the applicant are not sufficient to grant bail. The submission that out of 17 prosecution witnesses, 4 witnesses have been examined and that some of the material and



seizure witnesses have turned hostile does not, at this stage, demolish the prosecution case. Further, the fact that the applicant is in custody since 26.05.2024 also does not constitute a sufficient ground for grant of bail.

7. Accordingly, the bail application of the applicant namely, **Satish Chandra Prajapati**, involved in Crime No. 57/2024 registered at Police Station- Farasgaon, District- Kondagaon (C.G.), for the offence punishable under Sections 20(B) of the NDPS Act, is **rejected**.
8. Learned trial Court concerned is directed to conclude the trial on day to day basis under Section 346 of BNSS (corresponding Section 309 of Cr.P.C.), within a period of four months from the date of receipt of a certified copy of this order, if there is no legal impediment.
9. The Director General of Police, Chhattisgarh, is directed to ensure the presence of all the prosecution witnesses, including seizure witness who are police personnel, for recording their evidence on the next date fixed. Failing which, their salaries shall be stopped, as the conclusion of the trial is being delayed due to the laxity of the police personnel.
10. A copy of this order be sent to the Director General of Police, Chhattisgarh through the learned State counsel for information and necessary action forthwith.
11. Office is directed to send a certified copy of this order to the trial Court for necessary information and compliance forthwith.

Sd/-
(Ramesh Sinha)
Chief Justice