



2026:CGHC:12674



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NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****MCRC No. 2468 of 2026**

Suraj Durga S/o late Tapkeshwar Aged About 31 Years R/ogulab Nager
Gudhiyari Rental House Of The Girdhar Dwivedi Police Station -
Khamtarai -District Raipur (C.G.)

... Applicant**versus**

State Of Chhattisgarh Through The Station House Officer -Police
Station Khamtarai, District – Raipur (C.G)

... Non-Applicant

For Applicant : Mr. Shivendu Pandya, Advocate.

For Non-Applicant : Ms. Sameeksha Gupta, Panel Lawyer.

Hon'ble Mr. Ramesh Sinha, Chief Justice**Order on Board****17.03.2026**

1. This is the second bail application filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to the applicant who has been arrested in connection with Crime No. 76/2025 registered at Police Station Khamtarai, District – Raipur (C.G.) for the offence punishable under Sections 22(C) of the Narcotic Drugs and Psychotropic Substances Act, 1985.
2. Case of the prosecution, in brief, is that Police of Police Station Khamtarai, District – Raipur (C.G.) received secret information from the informant and on the basis of said information, Police have conducted raid and has seized a total of 1440 capsules of Spasmo Proxyvon Plus (containing Dicyclomine, Tramadol, and



Acetaminophen) weighing a total of 907.20 Grams from the possession of the applicant. Thereafter, the applicant was arrested and the crime was registered against him. Hence, this application.

3. The first bail application was rejected by this Court vide order dated 10.09.2025 passed in MCRC No. 7213/2025, on merits.
4. Learned counsel for the applicant submits that the charges have been framed against the applicant and other co-accused persons on 05.08.2025, and thereafter, the prosecution witnesses including the Police witnesses are not appearing before the trial Court for recording their evidence, as till date no single witness has been examined before the trial Court, and the applicant is in jail since 01.02.2025 and the conclusion of trial is likely to take some time, therefore, he prays for releasing the applicant on regular bail.
5. On the other hand, learned State counsel opposes the bail application and submits that from the possession of applicant a total of 1440 capsules of Spasmo Proxyvon Plus (containing Dicyclomine, Tramadol, and Acetaminophen) weighing a total of 907.20 Grams has been recovered, which is much above the commercial quantity on which ground the first bail application of the applicant was rejected by this Court, as such, he is not entitled for grant of bail.
6. I have heard learned counsel for the parties and perused the case



diary.

7. From perusal of the records, it transpires that from the possession of applicant a total of 1440 capsules of Spasmo Proxyvon Plus (containing Dicyclomine, Tramadol, and Acetaminophen) weighing a total of 907.20 Grams has been recovered, which is much above the commercial quantity on which ground the first bail application of the applicant was rejected by this Court, further there appears to be no new ground for releasing the applicant on regular bail. The only ground raised in this second bail application is that the applicant has been languishing in jail since 01.02.2025 and no single witness has been examined before the trial Court.
8. Recently the Hon'ble Supreme Court in the matter of **Union of India (UOI) Vs. Vigin K. Varghese (Special Leave Petition (Cri.) Nos.7768 of 2025 and 11097 of 2025)** decided on 13.11.2025 has observed that in NDPS commercial-quantity cases, long incarceration cannot, by itself, be a ground for bail.
9. Considering the fact that the first bail application of the applicant was rejected on merits by this Court, further the fact that trial is in progress and also in the light of observation made by the Hon'ble Supreme Court in **Vigin K. Varghese** (supra) that in NDPS commercial-quantity cases, long incarceration cannot, by itself, be a ground for bail, therefore I do not find any good ground to entertain this second bail application.
10. Accordingly, the second bail application of the applicant- **Suraj**



Durga, involved in Crime No. 76/2025 registered at Police Station Khamtarai, District – Raipur (C.G.) for the offence punishable under Sections 22(C) of the NDPS Act, is **rejected** at this stage.

11. Needless to say that the trial Court is at liberty to proceed with the trial and conclude the same, expeditiously.
12. The Director General of Police, Chhattisgarh is directed to ensure that all the prosecution witnesses including the Police personnels who are prosecution witnesses in this case shall appear before the trial Court on the next date fixed, failing which their salary should be stopped.
13. Registrar (Judicial) is also directed to send a copy of this order to the Director General of Police, Chhattisgarh, as well as to the trial Court concerned for necessary compliance and follow up action, if any.

Sd/-
(Ramesh Sinha)
Chief Justice