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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 2435 of 2026

Kishan Singh S/o Lt. Mukhtar Singh Aged About 25 Years R/o Near Kaushal Furniture Quarter No.16, Zone -03, Khursipar Bhilai District- Durg Chhattisgarh,
... Applicant

versus

State Of Chhattisgarh Through - Station House Officer, Police Station - Jamul District- Durg, Chhattisgarh
... Respondent

For Applicant	: Mr. B.P. Singh, Advocate.
For Non-applicant/State	: Ms. Palak Dwivedi, Panel Lawyer.

Hon'ble Mr. Ramesh Sinha, Chief Justice

Order on Board

15.06.2026

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.03/2026 registered at Police Station – Jamul District - Durg (C.G.) for the offences punishable under Sections 21(b), 27(a) read with Section 29 of the NDPS Act, 1985.



2. The prosecution story in brief, is that, 02.01.2026, on the basis of secret information received by the police of Police Station Jamul regarding alleged illegal possession and sale of narcotic substances at a rented house situated behind Kurud High School, Dhacha Bhawan, a raid was conducted in the presence of independent witnesses. During the search, accused Rajji Kaur and her son Kishan Singh were found present and the police allegedly recovered 33.36 grams of heroin (chitta), 281.85 grams of doda, cash amounting to RS. 8,90,400/- and three mobile phones from the said premises. The seized articles were weighed, sealed and taken into custody after preparing necessary panchnamas, and the accused persons were arrested on the same day. Therefore, an FIR has been registered under Section 21(b), 27(a) and 8 of Narcotic Drugs and Psychotropic Substances Act, 1985. at police station Jamul, District - Durg (C.GJ.
3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the present case. He further submits that the prosecution story is incorrect and the alleged seizure has been falsely and illegally shown by the police. The mandatory provisions of the NDPS Act, particularly Sections 42 and 50, were not duly complied with during the search and seizure proceedings. The alleged recovery of 33.36 grams of heroin (Chitta) falls within the intermediate quantity category, while the alleged recovery of 281.85 grams of doda (poppy straw) is below the prescribed small quantity. The search of the house was conducted without proper warrant and in doubtful circumstances, and no reliable independent witness was associated with the proceedings. Nothing was recovered from the personal possession of the applicant and



mere presence in the house cannot establish conscious possession.

The alleged cash recovery has no nexus with any illegal activity, and the memorandum statement recorded by the police has little evidentiary value in law. It is further submitted that co-accused persons have already been granted bail by this Hon'ble Court in MCRC No. 1848/2026 vide order dated 23.02.2026 on the principle of parity. The applicant has never committed any offence and is entitled to be enlarged on bail.

4. On the other hand, learned counsel for the State opposed the bail application and submitted that the applicant has two previous criminal antecedents and that the charge-sheet has not yet been filed in the present case. Therefore, the applicant is not entitled to the 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, the nature and gravity of the allegations levelled against the present applicant, the fact that the co-accused, namely Rajji Kaur, has already been granted bail vide order dated 23.02.2026 passed in MCRC No. 1848/2026, the fact that the applicant has been in judicial custody since 02.01.2026, and that the conclusion of the trial is likely to take considerable time, this Court is of the view that the applicant is entitled to be released on bail in the present case.
7. Let applicant, **Kishan Singh**, involved in Crime No.03/2026 registered at Police Station – Jamul District - Durg (C.G.) for the offences punishable under Sections 21(b), 27(a) read with Section 29 of the



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NDPS Act, 1985., be released on bail on furnishing **personal bond** with **two local 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