



2026:CGHC:18771

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****MCRC No. 2437 of 2026**

1. Ashutosh Tiwari S/o Rakesh Tiwari, Aged About 21 Years, R/o Village Gothai, Police Station - Nagara, District - Ballia, U.P.
2. Shivam Mishra S/o Sujit Mishra Aged About 19 Years R/o Village Pudik, Police Station - Bida, District - Saharsa, Bihar.
3. Jaiveer Kumar Sharma S/o Krishna Sharma Aged About 19 Years R/o Village Kheri, P/O - Badgaon, P/S - Narayanpur, District - Bhojpur, Bihar.

... Applicants**versus**

State of Chhattisgarh Through SHO, Police Station - Gudhiyari, District - Raipur, Chhattisgarh.

... Non-Applicant

For Applicants	: Mr. Akash Mishra, Advocate.
For Non-Applicant/State	: Ms. Palak Dwivedi, Panel Lawyer.

Hon'ble Shri Ramesh Sinha, Chief Justice**Order on Board****23.04.2026**

1. The applicants have preferred this First Bail Application under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail, as they have been arrested in connection with Crime No. 44/2026, registered at Police Station – Gudhiyari, District - Raipur (C.G.) for the offence punishable under Sections 20 (b) of the Narcotic Drugs and Psychotropic Substances Act, 1985, for short, the NDPS Act.
2. As per the prosecution story, the concerned police officer of Police Station

Gudhiyari, District Raipur, Chhattisgarh, received confidential information regarding the transportation and intended sale of cannabis. Thereafter, a raid was conducted, and 9.380 kilograms of cannabis were seized from the joint possession of the applicants. From a perusal of the impugned order, it is apparent that the applicants were taken into custody on 10.02.2026, and since then, despite their claimed innocence, they have been facing incarceration. It is also respectfully submitted that after being produced before the Court, the applicants were remanded to judicial custody, which makes it clear that they are not required for custodial interrogation.

3. It has been argued by learned counsel for the applicant that the applicant is innocent and has been falsely implicated in the present case. It is further submitted that the charge sheet has already been filed. Counsel also submits that Applicant Nos. 1 and 2 have previous criminal antecedents under the IPC, whereas Applicant No. 3 has no prior criminal history, and an explanation in this regard has been provided in paragraph No. 4A of the bail application. It is further submitted that the applicants have been in judicial custody since 10.02.2026 and that the conclusion of the trial is likely to take a considerable amount of time. Therefore, a prayer has been made for grant of regular bail to the applicants.
4. On the other hand, the learned counsel for the State opposes the bail application and submits that a total quantity of alleged contraband substance i.e. 9.380 kilograms of cannabis were seized from the joint possession of the applicants, is less than the commercial quantity and also endorse the fact that the applicant has no previous criminal antecedents.
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 alleged contraband substance which has been recovered from the joint possession of the applicant, is less than the commercial quantity, also considering the fact that charge-sheet has been filed and there is no previous criminal antecedents, further, that the applicant is in jail since 16.05.2025 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. Accordingly, the bail application is **allowed**. Let applicant Nos. 1, 2 and 3 - **Ashutosh Tiwari, Shivam Mishra and Jaiveer Kumar Sharma** respectively, involved in Crime No. 44/2026, registered at Police Station – Gudhiyari, District - Raipur (C.G.) for the offence punishable under Sections 20 (b) of the Narcotic Drugs and Psychotropic Substances Act, 1985, for short, the NDPS Act, be released on bail on her furnishing **a personal bond** with **two local sureties each** in the like sum to the satisfaction of the court concerned with the following conditions:-
 - (i) The applicants shall file an undertaking to the effect that they 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 applicants shall remain present before the trial court on each date fixed, either personally or through their counsel. In case of their absence, without sufficient cause, the trial court may proceed against their under Section 269 of Bharatiya Nyaya Sanhita.
 - (iii) In case, the applicants misuses the liberty of bail

during trial and in order to secure their presence, proclamation under Section 84 of BNSS. is issued and the applicants fails to appear before the Court on the date fixed in such proclamation, then, the trial court shall initiate proceedings against them, in accordance with law, under Section 209 of the Bharatiya Nyaya Sanhita.

(iv) The applicants 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 applicants 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 them 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**