



2026:CGHC:19066-DB



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**CRA No. 797 of 2026**

Santosh Kumar Gupta S/o Ram Kumar Gupta Aged About 32 Years R/o
Kalpana Chawla Chowk, Ward No. 15, Sanjaypara, Bhairamgarh
District Bijapur Chhattisgarh

... Appellant(s)**versus**

Union Of India Through National Investigation Agency, Sector-24, Atal
Nagar Nawa Raipur, District - Raipur Chhattisgarh

... Respondent(s)

For Appellant(s) : Mr. Malay Shrivastava along with Ms. Sakshi
Chhabra, Advocates

For Respondent(s) : Mr. B. Gopa Kumar, Special Public Prosecutor
for NIA along with Mr. Ayush Bhatt, Public
Prosecutor, NIA

Hon'ble Shri Ramesh Sinha, Chief Justice**Hon'ble Shri Bibhu Datta Guru, Judge****Order on Board****Per Ramesh Sinha, Chief Justice****25.04.2026**

1. Heard Mr. Malay Shrivastava along with Ms. Sakshi Chhabra,
learned counsel for the appellant. Also heard Mr. B. Gopa Kumar,



learned Special Public Prosecutor along with Mr. Ayush Bhatt,
Public Prosecutor for respondent / NIA.

2. The appellant has preferred the present bail application under Section 21(4) of the National Investigation Agency Act, 2008 arising out of Crime No. 01/2023 registered at Police Station- Bhairamgarh, District- Bijapur (C.G.), seeking enlargement on bail in connection with the alleged offence punishable under Sections 34 of the IPC, 25 of the Arms Act and 13(1), 38(2), 39(2) of the Unlawful Activities Prevention Act, 1967.
3. The case of the prosecution, in brief, is that on 11.01.2023, on receipt of confidential information that the appellant Santosh Gupta was in possession of unused live cartridges and was allegedly expecting delivery of a pistol, and that he was purportedly intending to supply the said arms and ammunition to an active Maoist/Naxalite cadre namely Hungo Madkami alias Hunga, stated to be an Area Committee Member (ACM) of Bhairamgarh and President of Revolutionary People's Committee (RPC), Kotmeta, a police team constituted under the leadership of Sub-Inspector Pankaj Ghar along with Constables Bhansingh Padmakar (508) and Jitendra Bhagat (318) proceeded to verify the information and intercepted the appellant near Sanjaypara, whereupon a personal search was conducted and three live cartridges bearing marking "KF 325 BWL" were allegedly recovered from his right pant pocket along with one touchscreen



mobile phone of NARZO make, and since the appellant could not produce any valid licence or authority for possession of the said ammunition, the same were seized vide seizure memo prepared on the spot. During interrogation, the appellant allegedly disclosed that one Prince Sharma of Bijapur was to deliver the pistol, and subsequently, during vehicle checking at about 19:30 hours, two persons arriving from Bijapur on a white colour Hero Extreme motorcycle were intercepted and identified, whereupon on identification by the appellant, one of them was stated to be Prince Sharma, who was subjected to search and from his waist a revolver bearing "MADE IN USA" markings along with a Samsung Galaxy mobile phone was allegedly recovered, while another Samsung mobile phone was recovered from Vijay Sahu, and seizure panchnamas were prepared accordingly. Thereafter, Prince Sharma was issued notice under Section 91 CrPC and in his written reply he stated that he did not possess any arms licence or valid documents, following which his disclosure statement under Section 27 of the Evidence Act was recorded in the presence of witnesses leading to further recovery of the pistol and motorcycle bearing registration No. CG-20-J-6404, which were taken into police custody, and the accused persons were arrested for offences punishable under Sections 34 IPC, 25 Arms Act, 1959 and Sections 13(1), 38(2), 39(2) of the Unlawful Activities (Prevention) Act, 1967.



4. Learned counsel for the appellant submits that his earlier bail application was dismissed by this Court vide order dated 28.08.2025 in CRA No. 1219/2025. However, after passing of order dated 28.08.2025, only two witnesses have been examined by the trial Court. Hence this present bail application.
5. Learned counsel for the appellant submits that the appellant is wholly innocent and has not committed any offence whatsoever and has been falsely implicated in the present case for offences punishable under Sections 34 of the Indian Penal Code, 1860, Section 25 of the Arms Act, 1959 and Sections 13(1), 38(2) and 39(2) of the Unlawful Activities (Prevention) Act, 1967, without there being any credible or admissible evidence establishing his involvement. Further, the entire prosecution case is based on alleged recovery and disclosure statements, which are disputed in law and fact and do not inspire confidence so as to justify continued incarceration of the appellant. The appellant is suffering from serious and chronic lung disease, including tuberculosis, with recurrent accumulation of fluid in the lungs, and his medical condition is stated to be deteriorating in custody, requiring specialised and continuous treatment outside jail. Further, the earlier bail application of the appellant was rejected primarily on the ground that five criminal cases were pending against him, however, subsequent developments clearly demonstrate that all those cases have since been concluded, and except Criminal Case No. 511/2019 wherein only a fine has been imposed, the



appellant has been acquitted in all other cases, judgments of which are annexed with the present appeal. Most importantly, the co-accused namely Sudhir Tripathi has already been granted bail by the Hon'ble Supreme Court of India in SLP (Crl.) No. 18423/2025 vide order dated 09.01.2026, and therefore, on the principle of parity as well as in view of the changed circumstances, the appellant is also entitled to be released on bail.

6. On the other hand, learned counsel for the NIA opposes the submissions advanced on behalf of the appellant and submits that the plea of innocence and false implication is devoid of merit in view of the material collected during investigation and the gravity of allegations levelled against the appellant under Sections 34 IPC, 25 of the Arms Act, 1959 and Sections 13(1), 38(2), 39(2) of the Unlawful Activities (Prevention) Act, 1967. It is contended that the prosecution case is supported by recovery of live cartridges and subsequent seizure of arms from co-accused persons pursuant to admissible disclosure statements, thereby prima facie establishing the appellant's active involvement in the alleged unlawful activities. It is further submitted that the contention regarding parity with co-accused is misconceived as the case of the present appellant stands on a distinctly different footing, inasmuch as the appellant has criminal antecedents and is alleged to be involved in repeated criminal conduct, whereas the co-accused in whose favour bail has been granted had no such



criminal history and their role was found to be distinguishable by the competent Court. It is also submitted that the allegations against the appellant are of a serious nature involving supply of arms and ammunition to extremist elements, which directly affects the security and integrity of the State, and therefore, in view of the seriousness of the offence, the criminal antecedents of the appellant, and the prima facie material available on record, the appellant is not entitled to the benefit of bail.

7. We have heard learned counsel for the parties and perused the impugned bail rejection order.
8. The learned Special Judge (NIA), Bastar at Jagdalpur, while rejecting the bail application of the appellant, has observed that upon perusal of the original record and consideration of the submissions of both sides, it prima facie emerges that the accused Santosh Kumar Gupta was acquainted with Dunga Madkami of the banned Maoist organization and, upon his demand for illegal weapons and ammunition, the appellant was allegedly apprehended while attempting to deliver such illegal arms and ammunition to him through co-accused Prince Sharma. It is further recorded that three live cartridges were recovered from the possession of the appellant and a pistol was recovered from co-accused Prince Sharma, thereby indicating prima facie involvement of the appellant in illegal arms supply and his nexus with banned Maoist organisations. The Court further observed that



the appellant's involvement and cooperation in such illegal activities disclose a prima facie serious offence. It is also noted that, as per the record, the appellant appears to have supplied illegal weapons and ammunition to persons namely Rahul Manjhi, Prabhas Mishra and Prince Sharma through another co-accused Sudhir Tripathi, and the offences alleged against him are of a serious nature relating to anti-national activities. It has further been observed that the trial is at an advanced stage and is expected to be concluded within the time frame fixed by the High Court, thereby indicating likelihood of early conclusion of proceedings. The learned Special Judge has also distinguished the role of the present appellant from that of co-accused Sudhir Tripathi, who has been granted bail by the Hon'ble Supreme Court, and on consideration of the facts, circumstances and gravity of the offence, has held that it is not a fit case for grant of bail.

9. Considering the observations made by this Court while dismissing the earlier criminal appeal, it was inter alia held that in view of the gravity of the allegations, the appellant's alleged involvement in supply of arms and ammunition to a hardcore Maoist/Naxalite cadre, the existence of multiple criminal cases registered against him, including a serious allegation under Section 302 IPC, and the fact that a substantial number of prosecution witnesses had already been examined and supported the prosecution case, no case for grant of bail was made out. Further, so far as co-accused



Sudhir Tripathi, who has been granted bail by the Hon'ble Supreme Court is concerned, the case of the present appellant stands on a distinct and distinguishable footing when compared with the said co-accused, inasmuch as the co-accused, in whose favour bail has been granted, did not have comparable criminal antecedents and their individual role and involvement were found to be different and less grave by the competent Courts. In contrast, the present appellant is stated to be having multiple criminal cases against him and is alleged to be actively involved in facilitating supply of illegal arms and ammunition to extremist elements, thereby rendering the principle of parity inapplicable in the facts and circumstances of the present case.

10. Further, though it has been contended on behalf of the appellant that he has been acquitted in some of the criminal antecedents, such acquittals, on a closer scrutiny, do not appear to be clean acquittals, but rather attributable to material witnesses, particularly seizure witnesses, having turned hostile during trial, thereby diluting the prosecution case. Additionally, it is noteworthy that out of 25 prosecution witnesses cited, as many as 15 witnesses have already been examined and have supported the case of the prosecution, which further fortifies the prima facie involvement of the present appellant and militates against grant of bail at this stage.



11. Accordingly, criminal appeal being devoid of merit is liable to be and is hereby **dismissed**.
12. However, the trial Court is directed to conclude the trial as expeditiously as possible, within a period of six months, in accordance with law from the date of production of certified copy of this order.

Sd/-

(Bibhu Datta Guru)
Judge

Sd/-

(Ramesh Sinha)
Chief Justice

Manpreet