



2026:CGHC:13795

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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR
MCRC No. 2719 of 2026

1 - Prem Soni @ Parmeshwar S/o Mahatam Soni Aged About 33 Years
R/o Village - Bircol Tehsil - Saraipali, District - Mahasamund,
Chhattisgarh.

... **Petitioner(s)**

versus

1 - State Of Chhattisgarh Through Police Station City Kotwali Raigarh,
District - Raigarh, Chhattisgarh.

... **Respondent(s)**

For Petitioner(s) : Mr. Sanjay Agrawal, Advocate

For Respondent(s) : Ms. Smriti Shrivastava, Panel Lawyer

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

23.03.2026

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. 567/2025 registered at Police Station- City Kotwali, District - Raigarh (C.G.) for the offence under Sections 20 (B) & 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.
2. Case of the prosecution, in brief is that on 02.11.2025, the SI of Police Station City Kotwali District Raigarh received a information to the effect that the co-accused namely Aasha Soni, was engaged in the illegal sale of contraband substance (ganja).



Acting upon the said information and after conducting due investigation the police recovered approximately 3 kilograms of ganja, packed in three separate packets, from the possession of the co-accused Aasha Soni, which was kept in a white plastic bag, and the same was duly seized in accordance with law. Consequently, an FIR was registered against the said co-accused. Subsequently, the memorandum statement of the co-accused Aasha Soni was recorded under Section 27 of the Evidence Act, wherein she stated that the present applicant used to supply ganja to her in Raigarh for the purpose of sale, either personally or through other persons of the village. It was further disclosed that the said three Kgs of ganja had been brought by co-accused Vidyadhar Giri on a motorcycle allegedly provided by the present applicant. On the basis of the said memorandum statement, the present applicant has been arrested, and hence this bail application.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the present case, as there is no independent or substantive evidence available against him and his implication is based solely on the memorandum statement of co-accused Aasha Soni and Vidyadhar Giri, which itself is not admissible evidence. It is further submitted that no prohibited, narcotic substance has been seized from the possession of the applicant, and no material has been collected to establish a prima facie case against him under the provisions of



the NDPS Act. He further submits that similarly situated co-accused persons, namely, Vidyadhar Giri and Aasha Soni have already been granted bail by this Court vide order dated 09.01.2026 and 16.01.2026 in MCRC No.235/2026 and MCRC No.582/2026 respectively. He also submits that the applicant has no criminal antecedents, the charge-sheet has been submitted before the competent Court, and he is in jail since 18.02.2026 and conclusion of the trial is likely to take quite long time. Therefore, he prays for grant of regular bail to the applicant on the ground of parity.

4. On the other hand, learned State counsel opposes the bail application of the present applicant and submit that the charge-sheet has been filed in the present case before the competent Court and also endorse the submission made by the learned counsel for the applicant. She further submits that on the basis of credible information and after due compliance with the provisions of the NDPS Act, 3 Kgs ganja was seized from the possession of the co-accused persons, and during investigation accused in his memorandum statement, specifically named the present applicant as the source from whom the contraband substance was procured. It is submitted that considering the seriousness and gravity of the offence under the NDPS Act and the material collected during investigation, the present applicant is not entitled for 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 that though the contraband substance i.e. 03 Kgs of ganja was seized from the possession of the co-accused persons, and during investigation accused persons, in his memorandum statement, specifically named the present applicant as the source from whom the contraband article was procured, but the said contraband article is less than commercial quantity and further the fact that co-accused persons, namely, Vidyadhar Giri and Aasha Soni have already been granted bail by this Court vide order dated 09.01.2026 and 16.01.2026 in MCRC No.235/2026 and MCRC No.582/2026 respectively, and the applicant has no criminal antecedents and he is in jail since 18.02.2026 and conclusion of the trial may take some time, therefore, this Court is of the view that the applicant is entitled to be released on bail in this case.
7. Accordingly, the bail application of the applicant is **allowed**. Let the Applicant – **Prem Soni @ Parmeshwar**, involved in Crime No. 567/2025 registered at Police Station- City Kotwali, District - Raigarh (C.G.) for the offence under Sections 20 (B) & 29 of the Narcotic Drugs and Psychotropic Substances 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 send a certified copy of this order to the trial Court concerned for necessary information and compliance forthwith.

Sd/-

(Ramesh Sinha)
Chief Justice

Saxena