



2026:CGHC:21494



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**MCRC No. 3125 of 2026**

Zaman Ali S/o Sharafat Ali Aged About 32 Years R/o Irani Dera Block-14, House No.10, Daldal Siwni P.S. Pandri District- Raipur (C.G.)

... Applicant**versus**

State of Chhattisgarh Station House Officer Police Station - Pandri Raipur District- Raipur (C.G.)

... Non-Applicant

For Applicant : Mr. Rajesh Kumar Kesharwani, Advocate

For Non-Applicant/State : Mr. Saumya Rai, Deputy Govt. Advocate

Hon'ble Mr. Ramesh Sinha, Chief Justice**Order on Board****07.05.2026**

1. This is the **Third Bail Application** filed under Section 483 of the BNSS, 2023 for grant of regular bail to the applicant who has been arrested in connection with Crime No. 139/2025 registered at Police Station Pandri Raipur District- Raipur (C.G.) for the offence punishable under Section 20(B) of Narcotic Drugs and Psychotropic Substances Act, 1985.
2. The earlier bail applications of the applicant being MCRC Nos. 9106/2025 and 438/2026 were rejected by this Court vide orders dated 13.11.2025 and 23.01.2026 respectively on the ground that



the applicant has one criminal antecedent under the NDPS Act of the year 2022, which are still pending.

3. Case of the prosecution, in brief is that the police of Police Station Pandri Raipur District- Raipur (C.G.), received a secret information from the informant and on the said information police conducted a raid and seized contraband article *i.e. 11.324 Kgs of Ganja* from the possession of the present applicant. Thereafter, offence punishable under Section 20(B) of the Narcotic Drugs and Psychotropic Substances Act, 1985 has been registered against present applicant.
4. Learned counsel for the applicant submits that this is the third bail application filed on behalf of the applicant, as the earlier bail applications bearing MCRC Nos. 9106/2025 and 438/2026 were dismissed by this Hon'ble Court vide orders dated 13.11.2025 and 23.01.2026 respectively, mainly on the ground that the applicant has one criminal antecedent under the NDPS Act pertaining to the year 2022, which is still pending consideration before the competent Court. He further submits that in the aforesaid NDPS case of the year 2022, out of 16 prosecution witnesses, 15 witnesses have already been examined and only one witness remains to be examined, and thus the trial is at the verge of conclusion. It is further submitted that in the present case also, out of 16 prosecution witnesses, only four witnesses have been examined so far before the trial Court and all of them have not supported the prosecution case and have turned hostile. A copy of the present status of the trial along with the order sheets of the trial



Court has also been annexed as **Annexure-A/6**. He further submits that the trial is not progressing expeditiously and the applicant is in judicial custody since 14.06.2025, and therefore conclusion of the trial is likely to take considerable time.

5. It is also submitted that the present bail application is being preferred on account of material change in circumstances, inasmuch as subsequent to the rejection of the earlier bail applications, the applicant has obtained crucial electronic evidence in the form of a mobile phone video recording, which prima facie demonstrates that at the relevant time the applicant was present at his residence and was allegedly taken into custody by the officials of the investigating agency in an arbitrary and illegal manner. It is submitted that the said video footage creates serious doubt regarding the prosecution story relating to the alleged recovery and arrest and falsifies the allegation that the applicant was apprehended while being in conscious possession of 11.324 kilograms of contraband ganja. Learned counsel submits that the aforesaid video recording, which goes to the root of the prosecution case and prima facie establishes the innocence of the applicant, has been annexed along with the present application in a pen drive as **Annexure-A/5** for the kind perusal of this Hon'ble Court. It is further submitted that the applicant has been falsely implicated in the present case, no contraband was recovered from his conscious possession, investigation has already been completed, charge-sheet has been filed, and there is no likelihood of tampering with the evidence. Hence, he prays for grant of bail to the applicant.



6. On the other hand, the learned counsel for the State opposes the bail application and submits that from the possession of the present applicant, total 11.324 kg of ganja has been recovered and further, so far as criminal antecedents of the applicant is concerned, the applicant has 10 previous criminal antecedents, out of which, one is under the NDPS Act of the year 2022, which itself shows that the applicant is a habitual offender, hence his bail application is liable to be rejected.
7. I have heard learned counsel appearing for the parties and perused the case diary.
8. From the perusal of the record, it transpires that the earlier bail applications of the applicant bearing MCRC Nos. 9106/2025 and 438/2026 were rejected by this Court vide orders dated 13.11.2025 and 23.01.2026 respectively, primarily on the ground that the applicant is having one criminal antecedent under the NDPS Act pertaining to the year 2022, which is still pending before the competent Court. The principal ground urged in the present third bail application is that the applicant is in jail since 14.06.2025 and that there has been a change in circumstances. Further, considering the overall facts and circumstances of the case, and the fact that though learned counsel for the applicant has contended that the present application has been preferred on account of change in circumstances and has also relied upon a mobile phone video recording to dispute the manner of arrest and alleged recovery, however, at this stage, this Court is not inclined to



examine the evidentiary value, authenticity and admissibility of such electronic evidence in detail, as the same shall be considered during the course of trial. Further, as per the prosecution case, 11.324 kilograms of ganja has been recovered from the conscious possession of the present applicant. Further, the applicant is having as many as 10 criminal antecedents, including one offence under the NDPS Act of the year 2022. Though learned counsel for the applicant submits that in the said NDPS case, out of 16 prosecution witnesses, 15 witnesses have already been examined and the trial is at the verge of completion, but the pendency of the said offence under the NDPS Act cannot be ignored while considering the present application. So far as the present case is concerned, the trial is also in progress and material prosecution witnesses are yet to be examined. Merely because some witnesses examined before the trial Court have turned hostile, no benefit can be extended to the applicant at this stage. Looking to the seriousness of the allegations, the commercial quantity of contraband involved and the criminal antecedents of the applicant, this Court does not find it to be a fit case for grant of bail.

9. Accordingly, the third bail application of the applicant – **Zaman Ali**, involved in Crime No. 139/2025 registered at Police Station Pandri Raipur District- Raipur (C.G.) for the offence punishable under Section 20(B) of Narcotic Drugs and Psychotropic Substances Act, 1985, is **rejected**.



10. Needless to say that the trial Court concerned is at liberty to proceed and conclude the trial expeditiously.
11. 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

Rahul Dewangan