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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**MCRC No. 2919 of 2026**

Harpreet Kaur @ Happy W/o Amrik Singh Aged About 23 Years R/o House No Lig 251, House Of Manjit Singh Veer Sawrkar Nagar, Hirapur, P.S. Kabirnagar, Distt- Raipur (C.G.)

... Applicant**versus**

State Of Chhattisgarh Through Station House Officer Police Station Kabirnagar, Raipur, District – Raipur (C.G.)

---- Non-applicant

For Applicant	: Mr. Wasim Miyan, Advocate.
For Non-applicant/State	: Ms. Palak Dwivedi, Panel Lawyer.

Hon'ble Shri Ramesh Sinha, Chief Justice**Order on Board****01.04.2026**

1. The applicant has preferred this First Bail Application under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail, as he has been arrested in connection with Crime No. 183/2025, registered at Police Station – Kabirnagar, Raipur, District – Raipur (C.G.) for the offence punishable under Section 21(B), 21(C), 29 and 27(A) of the NDPS Act and Section 111 of BNS.
2. The prosecution story, in brief, is that on 21.08.2025 a secret information was received by the police personals of police station - Kabirnagar Raipur Distt. Raipur (C.G.) with the averment that the co accused namely Manmohan@Jaggu has kept some contraband in his possession and on the basis of the secret information search was made and seized 28.16Gm Heroin from him and arrested him and



during the investigation his memorandum was recorded, in which he has deposed that he had received some amount of sale in his wife's account(present applicant) and she has been arrested on 21.08.2025 and from the house of Jaggu 105.33 Gm, from Divya Jain 47.49 Gm, from Vijay Motwani 77.60 Gm and from Nitin Patel 13.09 Gm has been seized from different places and from the possession of present applicant 09.43 Gm Heroin sized on 23.08.2025 from her Activa. Hence, this application.

3. It has been argued by the learned counsel for the applicant that the applicant is innocent and has been falsely implicated in this case. It is submitted that the charge-sheet has been filed in this case. It is also submitted that though the contraband article Herion recovered from the joint possession of other co-accused persons is above the commercial quantity, but it is an undisputed fact that the co-accused namely Jaspreet Kaur @ Bobby has also been released on bail by this Court vide order dated 18.03.2026 passed in MCRC No.2539/2026. It is also submitted that the applicant is having a child aged about 4 years and there is no one to look after her in absence of husband of the applicant. It is further submitted that there are no any criminal antecedents of the applicant under the NDPS Act, and she is in jail since 23.08.2025 and the conclusion of the trial is likely to take quite long time. Therefore, he prays for grant of regular bail to the applicant.
4. On the other hand, the learned counsel for the State opposes the bail application and submits that the charge-sheet has been filed in the present case and there are no any criminal antecedents of the applicant under the NDPS Act. It is submitted that though a total of



09.43 Gms of Herion has been recovered from the possession of the applicant, but from the joint possession of the accused persons in the crime in question a total of 281.10 Gms of Herion has been seized which is above the commercial quantity, furthermore, today itself a bail application of co-accused namely Harsh Rathi @ Laddu is listed and has been rejected by this Court vide order dated 01.04.2026 in MCRC No.2862/2026, therefore, this bail application is also liable to be rejected.

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 fact that though the contraband article Herion recovered from the joint possession of the accused persons in the crime in question is above the commercial quantity, and today itself a bail application of co-accused namely Harsh Rathi @ Laddu is listed and has been rejected by this Court vide order dated 01.04.2026 in MCRC No.2862/2026, but it is an undisputed fact that the applicant is having a child aged about 4 years old and there is no one to look after her in absence of husband of the applicant, and charge-sheet has been filed. Moreover, the co-accused namely Jaspreet Kaur @ Bobby has also been released on bail by this Court vide order dated 18.03.2026 passed in MCRC No.2539/2026, and further that the applicant is in jail since 23.08.2025 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. Let the applicant, **Harpreet Kaur @ Happy** involved in Crime No. 183/2025, registered at Police Station – Kabirnagar, Raipur, District – Raipur (C.G.) for the offence punishable under Section 21(B), 21(C), 29 and 27(A) of the NDPS Act and Section 111 of BNS, be released on bail on her furnishing **a personal bond** with **two 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



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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**

Rajshekhar