



2026:CGHC:21486

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**MCRC No. 3263 of 2026**

Duldul Markam S/o Bahadur Markam Aged About 40 Years R/o Subhash Nagar, Devar Para, Telibandha Raipur (C.G.)

... Applicant**versus**

State of Chhattisgarh Through Police Officers of Police Station Telibandha District- Raipur (C.G.)

... Non-applicant

For Applicant : Mr. Manish Nigam, Advocate
For Non-applicant/State : Mr. Saurabh Sahu, Panel Lawyer

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

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. 20/2026 registered at Police Station Telibandha District- Raipur (C.G.) for the offence under Section 20(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985.
2. Case of the prosecution, in brief is that the police of Police Station Telibandha 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. 06 Kgs of Ganja* worth about Rs. 60,000/- from the joint possession of the present applicant and co-accused person. Thereafter, offence punishable under Section 20(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985 has been registered against present applicant.

3. Learned counsel for the applicant submits that the present applicant is innocent and has been falsely implicated in the present case. He further submits that the no contraband article has been seized from the joint possession of the present applicant and co-accused person. He also submits that prosecution agency has not followed the provisions under Section 42 of the NDPS Act. He further submits that the applicant has no criminal antecedents under the NDPS Act, the charge-sheet has been submitted before the competent Court, and he is in jail since 15.01.2026 and 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, learned State counsel opposes the bail application of the present applicant and submits that the charge-sheet has been filed in the present case before the competent Court. He further submits that the contraband article *i.e. 06 Kgs of Ganja* worth about Rs. 60,000/- were seized from the joint possession of the present applicant and co-accused person. He further submits that the applicant has two more previous criminal antecedents of the years 2011 and 2013 under the IPC, shows that the applicant is a habitual offender, therefore, 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 the applicant has two more previous criminal antecedents of the years 2011 and 2013 under the IPC, but he has no criminal antecedents under the NDPS Act, and also considering the fact that in the present bail application the charge-sheet has been filed before the competent Court and he is in jail since 15.01.2026 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 - **Duldul Markam**, involved in Crime No. 20/2026 registered at Police Station - Telibandha, District- Raipur (C.G.) for the offence under Section 20(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985, be released on bail on furnishing **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 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**