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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 3237 of 2026

Beeru Nag S/o Shri Jalandhar Nag Aged About 29 Years R/o Ward No. 4
Potapara, Thana- Bagbahra, Distt.- Mahasamund (C.G.)

... Applicant

versus

The State of Chhattisgarh Through Station House Officer, Police Station-
Mahasamund, Distt.- Mahasamund (C.G.)

... Non-applicant

For Applicant	: Mr. Sumit Shrivastava, Advocate.
For Non-applicant/State	: Mr. Shubham Bajpai, Panel Lawyer.

Hon'ble Mr. Ramesh Sinha, Chief Justice

Order on Board

05.05.2026

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. 30/2026 registered at Police Station Mahasamund, District Mahasamund (C.G.) for the offence under Section 20-B(ii)(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985.
2. The prosecution story, in brief, is that on 25.01.2026, the officers of Police Station Mahasamund, District Mahasamund, received secret information from an informant to the effect that a person was standing behind the railway station at Chhipiyapara, holding a white plastic sack



containing contraband ganja for the purpose of sale. Acting upon the said information, the police conducted a search at Chhipiyapara and allegedly seized 9.640 kg of contraband ganja, which was purportedly brought from Odisha for sale. The applicant was arrested, and after completion of the investigation, a charge sheet was filed.

3. It has been argued by learned counsel for the applicant that the applicant has been falsely implicated in this case. He further submits that prosecution agency has not followed the provisions under Section 42 of the NDPS Act and not taken search warrant from the superior authority. He also submits that from the possession of the applicant intermediate quantity of Ganja was seized, and therefore, it will not attract the rigors of Section 37 of the NDPS Act as the commercial quantity of Ganja as prescribed under the schedule is more than 20 Kgs and from the possession of the applicant 9.640 kgs of Ganja was seized. It is further submitted by the learned counsel for the applicant that the applicant has only 03 criminal antecedents under the Excise Act. He further submits that the applicant is in jail since 25.01.2026, 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 counsel appearing for the State/non-applicant would oppose the bail application and submit that the charge-sheet has been filed in the present case before the competent Court.
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 the contraband article *i.e.* 9.640 Kgs of Ganja was recovered from the possession of the applicant, which is less than commercial quantity.



Moreover, the present applicant has no criminal antecedents under NDPS Act, also considering the fact that the charge-sheet has been filed in the present case before the competent Court and the applicant is in jail since 25.01.2026, 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. Let the Applicant - **Beeru Nag**, involved in Crime No. 30/2026 registered at Police Station Mahasamund, District Mahasamund (C.G.) for the offence under Section 20-B(ii)(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



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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.

**Sd/-
(Ramesh Sinha)
Chief Justice**

Abhishek