



2026:CGHC:24106



2026:CGHC:24107

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****MCRC No. 3536 of 2026**

Imam Khan S/o Wahid Khan Aged About 40 Years R/o Hamirpur, P.S. Moudha, Distt. Hamirpur, U.P. (Sicholi Purva Near Pani Tanki) Ward No. 19, Hamirpur, P.S. Moudha, Distt. Hamirpur, U.P. **...Applicant**

versus

State Of Chhattisgarh Through Station House Officer, Chilfi, Distt. Kabirdham, Chhattisgarh. **...Non-applicant**

For Applicant	: Mr. Ajay Ayachi, Advocate.
For Non-applicant/State	: Mr. Soumya Rai, Dy. G.A.

Hon'ble Mr. Ramesh Sinha, Chief Justice**Order on Board****16.06.2026**

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. 04/2026 registered at Police Station – Arakshi Kendra Chilfi Kabirdham (Kawardha) (C.G.) for the offence under Section 20(B)(ii) (b) and 29 of the Narcotic Drugs and Psychotropic Substances Act.



2. The prosecution case, in brief, is that on 31.01.2026, the Station House Officer received a secret information that a Tata Zest car bearing registration No. CG-18-M-1456 was being used for transportation of Ganja. Acting upon the said information, the police intercepted and stopped the aforesaid vehicle. Upon conducting a search of the vehicle in accordance with law, the police allegedly recovered 15.480 kilograms of Ganja were seized in car and 3 persons were found.
3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the instant case. It is submitted that no illegal contraband was recovered from the exclusive possession of the applicant and the applicant has remained in judicial custody since 31.01.2026 and there is every likelihood that the trial will take considerable time to conclude. The continued detention of the applicant during the pendency of trial would serve no useful purpose. The applicant is a permanent resident of the address mentioned in the cause title, where his family resides and his movable and immovable properties are situated; therefore, there is no possibility of his absconding or interfering with the due process of law. The applicant undertakes to cooperate with the trial and shall remain available whenever required by the Court. He is ready and willing to furnish adequate surety and to abide by all such terms and conditions as may be imposed by this Hon'ble Court while granting bail. Accordingly, the applicant deserves to be enlarged on bail.
4. On the other hand, learned counsel appearing for the State/non-applicant opposes the bail application and submits that the charge-



sheet has already been filed before the competent Court. It is further submitted that a report regarding the criminal antecedents of the applicant has been called for from the State of Uttar Pradesh however, the same has not yet been received, therefore, the 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, particularly the fact that the contraband allegedly recovered is less than the commercial quantity prescribed under the NDPS Act, and further considering that the charge-sheet has already been filed before the competent Court, the applicant has remained in judicial custody since 31.01.2026, and the conclusion of the trial is likely to take considerable time, this Court is of the considered opinion that the applicant is entitled to be enlarged on bail in the present case.
7. Let the Applicant - **Imam Khan**, involved in Crime No. 04/2026 registered at Police Station – Arakshi Kendra Chilfi Kabirdham (Kawardha) (C.G.) for the offence under Section 20(B)(ii)(b) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 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 she 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



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his counsel. In case of her 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 her, 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**