



2026:CGHC:17200



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**NAFR****HIGH COURT OF CHHATTISGARH AT BILASPUR****MCRC No. 3386 of 2026**

Mohd. Nihal S/o Mohd. Anwar Aged About 28 Years Resident Of  
Hanumantal Road, Kujhdai Khermai Ward Jabalpur P.S. Tahsil And  
District Jabalpur Madhya Pradesh

**... Applicant****versus**

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

**... Non-Applicant**


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| For Applicant           | : Mr. Bharat Lal Sahu, Advocate      |
| For Non-Applicant/State | : Ms. Vaishali Mahilong, Deputy G.A. |

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**Hon'ble Mr. Ramesh Sinha, Chief Justice****Order on Board****15.04.2026**

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. 22/2026 registered at Police Station – Bagbahara, District Mahasamund (C.G.), for the offence punishable under Sections 20(B) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.
2. Case of the prosecution, in brief is that The case of the prosecution, in brief, is that the concerned Police Station Bagbahara received



secret information from an informant that at the time of the incident, certain unknown persons were illegally possessing and transporting contraband ganja in a Scooty for the purpose of sale. Acting upon the said information, the police reached the spot at an open place on N.H. 353, Main Road, Bagbahara, and seized 5.265 kg of contraband ganja from the possession of the accused persons. Consequently, an offence punishable under Sections 20(B) and 29 of the N.D.P.S. Act was registered against the co-accused persons. It is further alleged that the present applicant has been implicated and subsequently arrested on 04.02.2026 on the basis of the memorandum statement of the co-accused. Hence, this bail application.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the present case and has no nexus whatsoever with the alleged incident. It is further submitted that there is no evidence of exclusive possession of the contraband from the applicant, and as per the seizure witnesses, the prosecution has failed to establish proper seizure in accordance with law, and the quantity of alleged contraband ganja is also not of commercial quantity. He further submits that the mandatory provisions of the N.D.P.S. Act, particularly Section 42, have not been duly complied with, and the investigation has not been conducted in a fair and proper manner. It is contended that no contraband has been seized from the possession of the applicant and he has been implicated solely on the basis of the memorandum statement and mere suspicion, without any independent



corroborative evidence. It is also submitted that though the applicant has one previous criminal antecedent of the year 2024 under the N.D.P.S. Act, the same is not of such nature so as to disentitle him from grant of bail. He further submits that the present applicant is in jail since 04.02.2026 and conclusion of the trial may take some time, therefore, he prays for grant of regular bail to the present applicant.

4. On the other hand, the learned State counsel opposes the bail application and submits that the charge-sheet has not been filed in the present case before the competent Court. She submits that the applicant is involved in a serious offence under the provisions of the N.D.P.S. Act and his complicity is evident from the material collected during investigation. It is contended that the contraband ganja has been seized pursuant to credible information and the applicant has been implicated during the course of investigation, and therefore, at this stage, he is not entitled to be released on bail. It is further submitted that the applicant has one previous criminal antecedent of similar nature, bearing Crime No. 559/2024, is pending, which shows that the applicant is involved in such offences and is a habitual offender, as such, the applicant is not entitled to be released on bail.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Considering the facts and circumstances of the case, the nature and gravity of the offence under the N.D.P.S. Act, and the material



available on record, the involvement of the applicant prima facie appears from the case diary, and the contraband has been seized during the course of investigation. Further, the applicant is having a previous criminal antecedent under the N.D.P.S. Act bearing Crime No. 559/2024, which is pending, shows that the applicant is involved in such offences and is a habitual offender, and also in light of the judgment rendered by the Supreme Court in ***Deepak Yadav v. State of Uttar Pradesh & Another***, reported in ***(2022) 8 SCC 559***, wherein the Hon'ble Supreme Court had cancelled the bail granted to the accused therein on the ground that the accused had previous antecedents, this Court is of the opinion that it is not a fit case to enlarge the applicant on regular bail.

7. Accordingly, the bail application of the applicant – **Mohd. Nihal**, involved in Crime No. 22/2026 registered at Police Station – Bagbahara, District Mahasamund (C.G.), for the offence punishable under Sections 20(B) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, is **rejected**.
8. Needless to say that the trial Court concerned is at liberty to proceed and conclude the trial expeditiously.
9. 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**