



2026:CGHC:22669

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****MCRC No. 3455 of 2026**

1 - Deepali Pawar W/o Liti Pawar Aged About 19 Years R/o Village - Sohagpur, Police Station - Sohagpur, District - Narmadapuram, Madhya Pradesh.

2 - Gujar Pawar S/o Suklal Pawar Aged About 23 Years R/o Village - Sohagpur, Police Station - Sohagpur, District - Narmadapuram, Madhya Pradesh.

... Applicants**versus**

State of Chhattisgarh Through Station House Officer, Police Station - Singhoda, District : Mahasamund, Chhattisgarh.

... Non-applicant

For Applicants	: Mr. Mayank Chandrakar, Advocate
For Non-applicant/State	: Ms. Ritika Verma, Panel Lawyer

Hon'ble Shri Ramesh Sinha, Chief Justice**Order on Board****13.05.2026**

1. This is the **Second Bail Application** filed under Section 483 of the BNSS, 2023 for grant of regular bail to the applicants who have been arrested in connection with Crime No. 36/2025 registered at Police Station- Singhoda, District : Mahasamund, (C.G.) for the offence punishable under Section 20(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985.



2. The earlier bail application of the applicants being MCRC No. 10356/2025 was rejected by this Court vide order dated 10.02.2026 on merits.

3. Case of the prosecution, in brief, is that on 15.04.2025, the police received information from an informant that five persons were standing near Ganiyari Pali Chowk on NH-53 Road carrying illegal narcotic substance (ganja) in three bags and were waiting for a bus. Acting upon the said information, the police party immediately proceeded to the spot where four women and one man were found standing with the bags. On noticing the police party, they attempted to flee from the spot, however, they were chased and apprehended by the police. Upon being questioned regarding their conduct, they allegedly admitted that they were carrying ganja in the said bags. Thereafter, on enquiry, they disclosed their names as Sonam Bai Solanki, Malti Solanki, Sunita Solanki, Deepali Pawar and Gurjar Pawar. During search proceedings, a total of 21 packets containing 21 kilograms of illegal narcotic substance, namely ganja, wrapped with khaki-coloured tape, were recovered from the three bags carried by them. The recovered contraband was duly seized and seizure proceedings were conducted at the spot by preparing a seizure panchnama and identification memo. Thereafter, the seized ganja was sealed with sealing cloth and slips bearing signatures of witnesses were affixed thereon. Subsequently, a First Information Report was registered at Police Station Singhoda vide Crime No. 36/2025 for the offence punishable under Section 20(b) of the NDPS Act against the present applicants namely Deepali Pawar



and Gurjar Pawar along with other co-accused persons. After completion of investigation, charge-sheet has been filed before the competent Court.

4. Learned counsel for the applicants submits that this is the second bail application, the earlier bail application of the applicants were rejected by this Hon'ble Court on merit. He further submits that the applicants are innocent, have not committed any offence as alleged and have been falsely implicated in the present case by the police. It is further submitted that applicant No.1, namely Deepali Pawar, was pregnant at the relevant point of time and subsequently delivered a child while in custody, however, due to lack of adequate medical facilities and proper obstetric care in jail, the newborn child unfortunately expired immediately after birth. He also submits that in such unfortunate circumstances, applicant No.1 deserves to be enlarged on bail on humanitarian grounds. It is also submitted that for obtaining the relevant documents pertaining to the death of the newborn child, an application under the Right to Information Act, 2005 was filed and the information supplied by the concerned department has been annexed with the application as **Annexure A/4**. He further submits that the earlier opposition made by the learned State counsel to the first bail application on the ground of alleged criminal antecedents under the NDPS Act is factually incorrect, as no such criminal antecedent exists against the present applicants. In support thereof, copies of information obtained through RTI regarding criminal antecedents have been filed as **Annexure A/5**. It is further argued that co-accused persons namely



Malti Bai and Sonam Bai Solanki, who were allegedly apprehended under similar circumstances and against whom similar allegations have been levelled, have already been granted bail by this Hon'ble Court in MCRC No. 8156/2025 and MCRC No. 9981/2025 vide orders dated 13.11.2025 and 05.12.2025 respectively. He further submits that the alleged contraband was not seized from the conscious possession of the present applicants and allegedly the police recovered from open place and the applicants have been falsely implicated by the police in the false case. He also submits that the applicants are in jail since 15.04.2025 and, the charge-sheet has been filed and the trial is likely to take some time for its conclusion. Therefore, he prays for grant of bail to the applicants on the ground of parity.

5. On the other hand, learned counsel for the State opposes the bail application of the applicants and submits that the charge-sheet has been filed before the competent Court, but could not dispute the fact that co-accused persons have already been granted bail by this Hon'ble Court on the ground that they are women and have minor child and have suffering from some ailments, but so far as the applicant No.02 is concerned, the applicant No.2, namely, Gujar Pawar is a 23 years old man and the alleged contraband article *i.e.* 21 kgs of Ganja has been seized from the joint possession of the applicants and co-accused persons, which is above the commercial quantity. Therefore, the gravity of the offence under the NDPS Act involving commercial quantity, the present applicants are not entitled to be released on bail.



6. I have heard learned counsel appearing for the parties and perused the case diary.
7. Considering the facts and circumstances of the case, particularly the nature and gravity of the offence and the above submissions, and further the fact that though the co-accused persons namely Malti Bai and Sonam Bai Solanki, who were allegedly apprehended under similar circumstances and against whom similar allegations have been levelled, have already been granted bail by this Court in MCRC No. 8156/2025 and MCRC No. 9981/2025 vide orders dated 13.11.2025 and 05.12.2025 respectively, but the said fact that the co-accused persons have been granted bail on the ground that they are women and have minor child and have suffering from some ailments, and so far as the applicant No.02 is concerned, the applicant No.2, namely, Gujar Pawar is a 23 years old man and the alleged contraband article *i.e.* 21 kgs of Ganja has been seized, which is much above the commercial quantity, and it cannot be a case of false implication. This Court is of the opinion that is not a fit case to enlarge the applicant No.2 on regular bail.
8. Accordingly, the second bail application of the applicant No.2 – **Gujar Pawar**, involved in Crime No. 36/2025 registered at Police Station- Singhoda, District : Mahasamund, (C.G.) for the offence punishable under Section 20(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985, is **rejected**.
9. Whereas, applicant No.1, namely, Deepali Pawar is concerned, considering the the fact that though the applicant No.1 along with



other co-accused persons involved in the said crime, but the co-accused persons namely Malti Bai and Sonam Bai Solanki, who were allegedly apprehended under similar circumstances and against whom similar allegations have been levelled, have already been granted bail by this Court in MCRC No. 8156/2025 and MCRC No. 9981/2025 vide orders dated 13.11.2025 and 05.12.2025 respectively, and the case of applicant No.1 is identical to that of the co-accused person, further the applicant No.1 has no previous criminal antecedents and is in jail since 15.04.2025, the charge-sheet has been filed, the conclusion of the trial will take some more time, therefore, this Court is of the view that the applicant No.1, namely, **Deepali Pawar** is entitled to be released on bail in this case.

10. Accordingly, the second bail application of the applicant No.1, namely, **Deepali Pawar**, involved in Crime No. 36/2025 registered at Police Station- Singhoda, District : Mahasamund, (C.G.) for the offence punishable 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 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 her counsel. In case of her absence, without sufficient cause, the trial court may proceed against her under Section 269 of Bharatiya Nyaya Sanhita.

(iii) In case, the applicant misuses the liberty of bail during trial and in order to secure her 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 her in accordance with law.

11. 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**