



2026:CGHC:27277

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 3705 of 2026

Purnachandra Mehar @ Pintu S/o. Baikunth Mehar Aged About 29 Years
 Bhalugudda Post Bhalugudda P.S. Bangomunda District- Balangir Odisha
... Applicant

versus

State Of Chhattisgarh Through- Station House Officer, Police Station Kotwali
 Dist.- Rajnandgaon (C.G.) **... Respondent**

For Applicant(s) : Mr. Aman Pandey, Advocate.

For Respondent(s) : Ms. Monika thakur, P.L.

Hon'ble Mr. Ramesh Sinha, Chief Justice

Order on Board

02/07/2026

1. This is the first bail application filed under Section 483 of the Bharatiya
 Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular
 bail to the applicant who has been arrested in connection with Crime
 No.358/2025 registered at Police Station - Kotwali District-
 Rajnandgaon (C.G.) under Sections 21(B) of the Narcotic Drugs and
 Psychotropic Substances Act, 1985.

2. The prosecution case, in brief, is that on 17.08.2025, the Police Authorities received credible information from an insider source that one person is selling contraband substance near Railway Station Auto Stand and on a raid being conducted 20 Strip Nitrosin having total 199 tablets were seized from co-accused Neil Gidwani. Upon investigation memorandum of the Rahul Tandi was recorded and on the basis of his memorandum, total 1000 tablets Nitrosun weighing 550 gms (containing Nitrazepam) was seized from him. From present applicant total 400 tablets were seized. After investigation the Police has already filed charge-sheet before the Ld. Trial Court.
3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the present case and has no connection with the alleged offence. It is contended that although the quantity of the alleged contraband has been shown to be of commercial quantity, the mandatory provisions of the NDPS Act and the guidelines issued by the Narcotics Control Bureau relating to search, seizure, sampling and storage of the seized contraband have not been complied with, thereby rendering the seizure illegal and raising serious doubt regarding the actual quantity of the contraband allegedly recovered. It is further submitted that the contraband was not weighed separately from the bag in which it was allegedly kept and, therefore, the applicability of the rigours of Section 37 of the NDPS Act is itself doubtful. Learned counsel further submits that the co-accused persons have already been enlarged on bail by this Court and the present applicant is also entitled to the benefit of parity. It is also submitted that the applicant has remained in custody for more than four months, the investigation is complete, the charge-sheet has already

been filed, and the trial is yet to commence and is likely to take considerable time. The applicant has no past criminal antecedents, is a permanent resident of the address mentioned in the cause title, there is no likelihood of his absconding or tampering with the prosecution evidence, and he is ready to cooperate with the trial and abide by all the terms and conditions that may be imposed by this Court. Accordingly, it is prayed that the applicant be enlarged on bail.

4. Learned State counsel opposes the bail application and submits that there is sufficient material available on record prima facie indicating the involvement of the present applicant in the alleged offence. It is submitted that 400 Nitrosun tablets containing Nitrazepam were recovered from the possession of the applicant and the total contraband seized in the case is of commercial quantity, thereby attracting the rigours of Section 37 of the NDPS Act. It is further submitted that the investigation has been completed and the charge-sheet has already been filed. Learned State counsel further submits that the present applicant has eight criminal antecedents and, therefore, is not entitled to the grant of bail. Accordingly, it is prayed that the bail application be rejected.
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, it is observed that the contraband article recovered from the possession of the applicant is less than the commercial quantity as prescribed under the NDPS Act. Further, considering the fact that the charge-sheet has already been filed before the competent Court, that the applicant has

no previous criminal antecedents, and that the applicant has been in judicial custody since 16.07.2025, and the conclusion of the trial is likely to take some more time, this Court is of the considered view that the applicant is entitled to be released on bail in the present case.

7. Accordingly, the application is **allowed**.

8. Let the Applicant - **Purnachandra Mehar @ Pintu**, involved in Crime No.358/2025 registered at Police Station - Kotwali District-Rajnandgaon (C.G.) under Sections 21(B) of the Narcotic Drugs and Psychotropic Substances Act, 1985, be released on bail on his 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 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.

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