



2026:CGHC:20664



2026:CGHC:20664

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 4071 of 2026

1 - Mohar Maniya W/o Late Mansai Patil Aged About 50 Years R/o Vill.-
Rajaulipara, Police Outpost - Jamdi Jhilmili, District : Surajpur,
Chhattisgarh

2 - Shrawan Kumar S/o Late Mansai Patil Aged About 23 Years R/o
Vill.- Rajaulipara, P.S. Jamdi Jhilmili, District : Surajpur, Chhattisgarh

... Applicant(s)

versus

State Of Chhattisgarh Police Outpost - Basdei, District : Surajpur,
Chhattisgarh

... Respondent(s)

For Applicant(s) : Ms. Deepali Gupta, Advocate.

For Respondent(s) : Ms. Ritika Verma, Panel Lawyer.

Hon'ble Mr. Ramesh Sinha, Chief Justice

Order on Board

04/05/2026

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 applicants who have been arrested in connection with Crime No. 0574/2025 registered at Police Station Basdei, District : Surajpur (C.G.), for the offence punishable under Section 21(C), 27(A) & 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

2. Case of the prosecution, in brief, is that on 19.10.2025, acting on secret information, the police conducted a raid at village Sirsi Junapara and recovered *38 Avil injections and 10 Rexogesic injections* from the possession of accused Rahi Khan. His memorandum statement was recorded, wherein he disclosed that he had been purchasing such injections at the rate of Rs.300 per piece from co-accused persons, namely Shrawan Kumar Patil, Pawan Patil, Jeevan Patil, and Mohar Maniya, residents of village Jamdi. After completing the spot proceedings, a Dehati Nalishi was registered, on the basis of which FIR No. 574/2025 was lodged at Police Station Surajpur under Sections 21(C), 27(A), and 29 of the NDPS Act against the aforesaid accused persons. During further investigation, *118 Avil injections and 134 Rexogesic injections* were seized from accused Moharmania. Memorandum statements of Moharmania, Shravan Kumar, and Dinesh Rao @ Babli were recorded. From accused Dinesh Rao @ Babli, *150 Avil injections, 150 Rexogesic injections*, along with a scooty and mobile phone, were seized. The sampling proceedings were carried out before the Judicial Magistrate First Class, Surajpur. The prosecution alleges that accused Moharmania, in connivance



with other co-accused persons, was involved in the illegal sale of prohibited injections, and that a commercial quantity of contraband was recovered from her possession. Hence, the bail application.

3. Learned counsel for the applicants submits that the applicants have been falsely implicated in the present case. The main accused, Rahi Khan, was apprehended on the basis of confidential information, whereas the present applicants have been implicated solely on the basis of his disclosure statement. There is no independent or substantive evidence on record connecting the applicants with the alleged offence, which makes the prosecution case *prima facie* doubtful. She further submits that the mandatory provisions of Section 50 of the NDPS Act have not been complied with. The applicants were not informed of their legal right to be searched in the presence of a Gazetted Officer or a Magistrate, and the alleged search and seizure were conducted in violation of the statutory safeguards, thereby vitiating the prosecution case. She also submit that the prosecution alleges recovery of 134 ampoules of Rexogesic and 118 vials of Avil injection from applicant No. 1, however, Rexogesic contains Buprenorphine at 0.6 mg per ampoule, and the total quantity comes to only 80.4 mg (0.0804 grams), which is far below the prescribed “small quantity” of 1 gram under the NDPS Act, while Avil injection (Pheniramine Maleate) is neither a narcotic drug nor a psychotropic substance under the Act and, therefore, its quantity



has no legal relevance, as consistently held by the High Court of Chhattisgarh. Hence, she prays to enlarge the applicants on regular bail.

4. Learned counsel appearing for the State/non-applicant opposes the bail application and submit that the charge-sheet has been filed in the present case before the competent Court. She further submits that both applicants, in connivance with co-accused persons, were involved in the illegal supply and sale of prohibited injections. On the basis of memorandum statements of co-accused, they were identified as suppliers from whom Rahi Khan used to procure injections. Further, from the possession of applicant, Moharmania, a substantial quantity of Rexogesic and Avil injections was recovered, indicating involvement in dealing with contraband substances, while applicant, Shravan is alleged to be part of the same supply chain on the basis of disclosure statements. Furthermore, the quantity of contraband article seized from the joint possession of the applicants and co-accused persons is much above the commercial quantity as notified under the NDPS Act. Moreover, bail application of co-accused, namely, Lavkesh Ravi @ Rinku has already been rejected by this Court vide order dated 27.04.2026 passed in MCRC No.3812 of 2026, 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. From perusal of the record, it transpires that a large quantity of contraband injections, Rexogesic and Avil, has been seized during the course of investigation from the possession of the applicants as well as from the joint possession of the co-accused persons, which, in totality, is far in excess of the commercial quantity notified under the NDPS Act. The material available on record, including the memorandum statements of co-accused persons and the seizure proceedings, *prima facie* reflects that the applicants were part of an organized network engaged in the illegal procurement and distribution of such prohibited substances. The role attributed to applicant Moharmania is further fortified by the recovery effected from her possession, while applicant, Shravan is shown to be involved in the same supply chain on the basis of disclosure statements, further considering the fact that bail application of co-accused, namely, Lavkesh Ravi @ Rinku has already been rejected by this Court vide order dated 27.04.2026 passed in MCRC No.3812 of 2026 and the quantity of contraband injections, Rexogesic and Avil, has been seized from the joint possession of the accused persons, which, in aggregate, is far above the commercial quantity as prescribed under the NDPS Act, this Court is of the opinion that it is not a fit case to enlarge the applicant on bail.
7. Accordingly, the bail application of the applicants - **Mohar Maniya** and **Shrawan Kumar**, involved in Crime No. 0574/2025 registered at Police Station Basdei, District : Surajpur (C.G.), for the offence



punishable under Section 21(C), 27(A) & 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.

Sd/--
(Ramesh Sinha)
Chief Justice

Akhil