



2026:CGHC:18679



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 3692 of 2026

Khilesh Tumreki @ Chhotu Lambu S/o Late Shri Leelaram Aged About 29 Years R/o Rani Sagar Nagar Nigam Quarter, P.S. Basantpur, Distt. Rajnandgaon, Chhattisgarh.

... Applicant(s)

versus

State Of Chhattisgarh Through Station House Officer, P.S. Basantpur, Distt. Rajnandgaon, Chhattisgarh.

... Respondent(s)

For Applicant(s) : Ms. Sakshi Singh Thakur, Advocate.

For Respondent(s) : Mr. Saurabh Sahu, Panel Lawyer.

Hon'ble Mr. Ramesh Sinha, Chief Justice

Order on Board

23/04/2026

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. 71/2026 registered at Police Station



Basantpur, Distt. Rajnandgaon (C.G.) under Section 20(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

2. Case of the prosecution, in brief, is that as per secret information received from the informant, the Police of Police Station Sakri, District- Bilaspur seized 1.323 kgs of Ganja from the possession of applicant, which led to the registration of alleged offence against the applicant and subsequently, the applicant was arrested. Hence, the bail application.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case and the contraband Ganja was not seized from the exclusive possession of the applicant. She further submits that that prosecution agency has not followed the provisions under Section 42 of the NDPS Act and not taken search warrant from the superior authority. She also submits that from the possession of the applicant intermediate quantity of the psychotropic substance ganja has been seized, and therefore, it will not attract the rigors of Section 37 of the NDPS Act as the commercial quantity of ganja as prescribed under the schedule is more than 20 kgs and from the possession of the applicant only 1.323 kgs Ganja has been seized. She later submits that the applicant has only one criminal antecedent of the year 2023 under the IPC and he is in jail since 20.02.2026 and the conclusion of the trial is likely to take quite long time. Therefore, he prays for grant of regular bail to the applicant.



4. On the other hand, learned counsel appearing for the State/non-applicant would oppose the bail application and submit that the charge-sheet has been filed in the present case before the competent Court and the applicant has one criminal antecedent of the year 2023 under the IPC. He further submits that from the possession of the applicant contraband article *i.e.* 1.323 kgs of Ganja is seized, therefore, the present 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 and the fact that the applicant has only one criminal antecedent of the year 2023 under the IPC and the contraband article *i.e.* 1.323 kgs of Ganja recovered from the possession of the applicant is less than the commercial quantity and the charge-sheet has been filed in the present case before the competent Court, this Court is of the view that the applicant is entitled to be released on bail in this case.
7. Accordingly, the application is **allowed**.
8. Let the Applicant - **Khilesh Tumreki @ Chhotu Lambu**, involved in Crime No. 71/2026 registered at Police Station Basantpur, Distt. Rajnandgaon (C.G.) under Section 20(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985, be released on bail on his 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 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.

Sd/-

(Ramesh Sinha)

Chief Justice

Akhil