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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 3712 of 2026

Raja Choudhari S/o Late Sashi Choudhari Aged About 29 Years R/o Ward No.10, Ambedkar Ward Thana And Tahsil Mandla District- Mandla M.P.

... **Applicant**

versus

State Of Chhattisgarh Through P.S. Komakhan District- Mahasamund (C.G.)

...**Non-applicant**

For Applicant : Mr. Rajesh Jain, Advocate.

For Non-applicant/State : Ms. Smita Shrivastava, Panel Lawyer.

Hon'ble Shri Ramesh Sinha, Chief Justice

Order on Board

02.07.2026

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. 138/2024 registered at Police Station – Komakhan District- Mahasamund (C.G.), for the offences punishable under Section 20(B) of the NDPS Act.
2. Case of the prosecution, in brief, is that on 26.10.2024 investigation



officer on round in Dehat when he reached Bus-stand Komakhan, he received information from informer, that 3 persons were traveling in VERN Car bearing registration No. O.R.17 G0211 having Ganja and coming from Odisha, and applicant persons piloting to car by driving Scooty. That investigation officer seized 3 Bori containing Ganja. That the each bori containing 15 Kg of contraband and total quantity of contraband is 45 kg seized from the joint possession of accused persons. That investigation had completed and final report submit before the Court of Law.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the present case. It is contended that the investigation has been completed and the charge-sheet has already been filed before the Special Judge (NDPS), Mahasamund. It is further submitted that no contraband was recovered from the conscious possession of the applicant and that he was merely driving the scooty at the time of the incident and had no knowledge regarding the alleged transportation of the contraband. Learned counsel further submits that the mandatory provisions of the NDPS Act, particularly Section 55, have not been complied with as the seized contraband was not sealed with the seal of the Station House Officer before being deposited in the Malkhana, thereby casting serious doubt on the prosecution case. It is also submitted that the co-accused, Manish Choudhari, has already been granted bail by the Hon'ble Supreme Court in SLP (Crl.) No. 347 of 2026 and, therefore, the present applicant is also entitled to the benefit of parity. Learned counsel further submits that the applicant has no criminal antecedents, has remained in judicial custody since 26.10.2024, and



as the trial is likely to take considerable time to conclude, his continued incarceration is unwarranted. The applicant is a permanent resident of District Mandla, Madhya Pradesh, there is no likelihood of his absconding or tampering with the prosecution evidence, and he is ready to furnish adequate surety and abide by all such terms and conditions as may be imposed by this Court. Accordingly, it is prayed that the applicant be enlarged on bail.

4. On the other hand, learned State Counsel opposes the bail application of the present applicant and submits that the applicant has one previous criminal antecedent, therefore, he is not entitled to the grant of regular bail.
5. I have heard learned counsel for the parties and perused the case diary.
6. Considering the facts and circumstances of the case, the submissions advanced by learned counsel for the parties, the nature of the allegations, and the material available on record, this Court finds that the investigation has been completed and the charge-sheet has already been filed. It is further evident that the co-accused, Manish Choudhari, has been granted bail by the Hon'ble Supreme Court in SLP (Crl.) No. 347 of 2026. The present applicant is stated to stand on the same footing as the said co-accused. The applicant has remained in judicial custody since 26.10.2024, the trial is likely to take considerable time to conclude, therefore, this Court is of the view that the applicant has made out a fit case for grant of bail.
7. Accordingly, the bail application is **allowed**.
8. Let the Applicant – **Raja Choudhari**, involved in Crime No. 138/2024



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registered at Police Station – Komakhan District- Mahasamund (C.G.),
for the offences punishable under Section 20(B) of the NDPS Act, 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