



2026:CGHC:21195



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRCA No. 681 of 2026

Bhushan Sharma S/o Manoj Sharma Aged About 30 Years R/o Bharat Mata School, Tatibandh Colony, M.I.G.-62, District- Raipur, (C.G.)

... Applicant

versus

State Of Chhattisgarh Through Station House Officer, Police Station- Kabir Nagar, District- Raipur, (C.G.)

... Non-applicant

For Applicant : Mr. Abhyuday Tripathi, Advocate

For Non-applicant : Mr. S.S. Bhagel G.A.

Hon'ble Mr. Ramesh Sinha, Chief Justice

Order on Board

06.05.2026

1. This Second Anticipatory Bail application under Section 482 of the Bhartiya Nagrik Suraksha Sanhita, 2023 has been filed by the applicant, who is apprehending his arrest in connection with Crime No.105/2025 registered at Police Station Kabir Nagar,



District – Raipur, (C.G.) for the offence punishable under Section 105 read with Section 3(5) of BNS Act 2023.

2. The First Bail application filed by the applicant was dismissed as withdrawn vide order dated **25.03.2026** in **MCRCA No.450/2026**.
3. That the prosecution story, in brief, is that FIR bearing Crime No.105/2025 was registered at Police Station Kabir Nagar, District Raipur for the offence punishable under Section 105 read with Section 3(5) of the Bharatiya Nyaya Sanhita, 2023. It is alleged that the deceased Mandeep Singh, who was working as a truck driver in SKS Company, Raipur, consumed narcotic injections along with certain associates and became unconscious due to overdose, after which he was abandoned near Canal Road, Valmiki Nagar from a Creta vehicle and was later declared dead at AIIMS Raipur. During investigation, co-accused persons were apprehended and on the basis of memorandum statements and IPDR analysis, the prosecution alleged that the present applicant had facilitated procurement of narcotic substances by providing internet hotspot connectivity through his mobile number. It is further alleged that the applicant remained absconding during investigation, therefore charge-sheet was filed against other accused persons while showing the present applicant as absconding.



4. Learned counsel for the applicant submits that this is the second anticipatory bail application, as the first application was rejected on merits. It is further submitted that co-accused Santosh Mishra and Sadhana Agrawal have already been granted regular bail by this Court in MCRC No.6911/2025 vide order dated 27.10.2025 and in MCRC No.9904/2025 vide order dated 04.12.2025. Counsel submits that the deceased Mandeep Singh, who was driving the vehicle, himself used to consume narcotic substances and died due to heavy overdose of narcotics. It is submitted that the name of the present applicant surfaced only in the memorandum statement of co-accused Sadhana Agrawal, wherein it was alleged that narcotic substances were purchased from a person connected with a particular mobile number. Counsel further submits that the applicant has been falsely implicated in the present case and his name does not appear in the FIR. It is further submitted that there is no direct evidence connecting the applicant with the alleged offence and the entire allegation is based only on a vague assertion that he had provided internet hotspot through a mobile number, ownership of which has not been established by any documentary evidence. Counsel submits that neither any narcotic substance was recovered from the applicant nor was he present at the place of occurrence. It is also submitted that



charge-sheet has already been filed, custodial interrogation is not required, and except for two criminal antecedents, there is no material showing involvement of the applicant in the present offence. Therefore, considering that similarly situated co-accused persons have already been enlarged on bail, it is prayed that the present applicant be granted anticipatory bail on the ground of parity.

5. Learned State counsel opposes the anticipatory bail application and submits that the applicant has been rightly implicated on the basis of material collected during investigation. It is submitted that the involvement of the applicant surfaced during investigation through the memorandum statement of co-accused persons and electronic evidence regarding providing internet hotspot connectivity for procurement of narcotic substances. The State further submits that the offence is serious in nature as it resulted in the death of the deceased due to overdose of narcotic substances. It is also submitted that merely because co-accused persons have been granted bail, the applicant is not entitled to anticipatory bail on the ground of parity, especially when two criminal antecedents are reported against him. Therefore, despite filing of the charge-sheet, the applicant is not entitled to the benefit of anticipatory bail.



6. I have heard learned counsel for the parties and perused the document appended thereto.
7. Considering the facts and circumstances of the case, particularly the fact that the name of the applicant does not find mention in the FIR and his alleged involvement has surfaced only during investigation on the basis of memorandum statements of co-accused persons and electronic evidence, this Court is of the view that the exact role attributed to the applicant is a matter requiring detailed examination during trial. It is also noticed that no narcotic substance has been recovered from the possession of the applicant and there is no allegation regarding his presence at the place of occurrence. Further, co-accused Santosh Mishra and Sadhana Agrawal have already been granted regular bail by this Court vide orders dated 27.10.2025 and 04.12.2025 respectively, and the case of the present applicant appears to be similarly placed. Though two criminal antecedents have been reported against the applicant, considering that charge-sheet has already been filed and custodial interrogation is no longer required, this Court is inclined to extend the benefit of anticipatory bail to the applicant on the ground of parity, without expressing any opinion on the merits of the case.



8. Accordingly, the instant MCRCA is **allowed** and it is directed that in the event of arrest of the applicant – **Bhushan Sharma**, on executing a personal bond with one surety in the like sum to the satisfaction of the arresting Officer, he shall be released on bail on 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)



2026:CGHC:21195

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 provide a certified copy of this order to the trial Court concerned for necessary information and compliance forthwith.

**Sd/-
(Ramesh Sinha)
Chief Justice**

Arpan