



2026:CGHC:20672



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 4100 of 2026

Asif Khan S/o Shri Gulam Khan Aged About 22 Years R/o Near Shulabh,
Rani Sagar Road, Thana- Basantpur, Distt.- Rajnandgaon (C.G.)

... **Applicant**

versus

State of Chhattisgarh Through Station House Officer Police Station-
Basantpur, District - Rajnandgaon (C.G.)

... **Non-applicant**

For Applicant	: Mr. Rajendra Patel, Advocate
For Non-applicant/State	: Mr. Saurabh Sahu, Panel Lawyer

Hon'ble Shri Ramesh Sinha, Chief Justice

Order on Board

04.05.2026

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. 71/2026 registered at Police Station- Basantpur, District - Rajnandgaon (C.G.) for the offence under Section 20(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985.
2. Case of the prosecution, in brief is that the police of Police Station Basantpur, District - Rajnandgaon (C.G.), received a secret information from the informant and on the said information police



conducted a raid and seized 1.323 Kgs of contraband Ganja from the joint possession of the present applicant and other co-accused. Thereafter, offence punishable under Section 20(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985 has been registered against present applicant.

3. Learned counsel for the applicant submits that the present applicant is innocent and has been falsely implicated in the present case. He further submits that seized 1.323 Kgs of Ganja was not seized from the possession of the present applicant and other co-accused persons. He further submits that similarly situated co-accused person, namely, Khilesh Tumreki @ Chhotu Lambu, has already been granted bail by this Hon'ble Court vide order dated 23.04.2026 in MCRC No. 3692/2026. He also submits that the applicant has no criminal antecedents, charge-sheet has been submitted before the competent Court, and he is in jail since 12.02.2026 and conclusion of the trial is likely to take quite long time. Therefore, he prays for grant of regular bail to the applicant on the ground of parity.
4. On the other hand, learned counsel for the State opposes the bail application of the applicant and submits that the charge-sheet has been filed before the competent Court, but could not dispute the fact that co-accused person has already been granted regular bail by this Hon'ble Court and the case of the present applicant is identical to that of the co-accused.
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 that in the present bail application the charge-sheet has been filed before the competent Court, though the contraband article i.e. 1.323 kgs of Ganja was seized from the applicant and co-accused person, but the said contraband article is less than commercial quantity and further the fact that co-accused person, namely, Khilesh Tumreki @ Chhotu Lambu, has already been granted bail by this Court vide order dated 23.04.2026 in MCRC No. 3692/2026, and the case of present applicant is identical to that of the co-accused person and the applicant has no criminal antecedents under the NDPS Act, the charge-sheet has been submitted before the competent Court, and he is in jail since 12.02.2026 and conclusion of the trial may take some time, therefore, this Court is of the view that the applicant is entitled to be released on bail in this case.
7. Accordingly, the bail application of the applicant is **allowed**. Let the Applicant – **Asif Khan**, involved in Crime No. 71/2026 registered at Police Station- Basantpur, District - Rajnandgaon (C.G.) for the offence under Section 20(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985, be released on bail on 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.

8. 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