



2026:CGHC:23880



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**MCRC No. 4393 of 2026**

Anil Kumar S/o. Ram Kumar Aged About 38 Years R/o. Bahadurpur Tola, P.S. Gadhani, District- Bhojpur, (Bihar)

... Applicant**versus**

State Of Chhattisgarh Through- Station House Officer, Police Station – Komakhan, District – Mahasamund (C.G.)

---- Non-applicant

For Applicant	: Ms. Anjali Pradhan, Advocate.
For Non-applicant/State	: Ms. Ritika Verma, Panel Lawyer.

Hon'ble Shri Ramesh Sinha, Chief Justice**Order on Board****15.06.2026**

1. The applicant has preferred this **Second Bail Application** under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail, as he has been arrested in connection with Crime No. 118/2024, registered at Police Station – Komakhan, District – Mahasamund (C.G.) for the offence punishable under Section 20(B) of the Narcotic Drugs and Psychotropic Substances Act, 1985, for short, the NDPS Act.
2. Earlier the first bail application of the applicant was rejected by this Court vide order dated 09.07.2025 passed in MCRC No.5317/2025, on merits.
3. The prosecution story, in brief, is that a secret information was received by the Police of Police Station – Komakhan, District – Mahasamund



(C.G.) through the informant and on the basis of such information, the Police has seized a total of 300 Kgs of Ganja from the possession of the applicant. Thereafter, the applicant was arrested by the Police and the aforesaid offence has been registered.

4. It has been argued by the learned counsel for the applicant that the applicant is innocent and has been falsely implicated in this case. It is submitted that so far as the trial is concerned, out of 16 prosecution witnesses, only 9 witnesses have been examined by the trial Court. It is also submitted that though the contraband article which is said to have been recovered from the joint possession of the accused persons is above the commercial quantity, but the co-accused namely Shivdhyan Kumar @ Mistri Yadav whose bail application was rejected by this Court vide order dated 09.10.2025 passed in MCRC No.7971/2025, he preferred a ***Special Leave to Appeal (Crl.) No.3135/2026*** before the Hon'ble Apex Court, and the same was allowed and he has been granted bail by the Hon'ble Apex Court on **23.04.2026**. It is further submitted that there are no any criminal antecedents of the applicant under the NDPS Act, and he is in jail since 05.09.2024 and the conclusion of the trial is likely to take quite long time. Therefore, he prays for grant of regular bail to the applicant.
5. On the other hand, the learned counsel for the State opposes the bail application and submits that a total of 300 Kgs of Ganja has been recovered from the joint possession of the applicant and co-accused, and on the same ground the first bail application of the applicant was rejected by this Court, therefore, this bail application is also liable to be rejected.



6. I have heard learned counsel for the parties and perused the material available on record.
7. After hearing the submissions advanced by learned counsel for the parties as well as considering the fact that so far as the trial is concerned, out of 16 prosecution witnesses, only 9 witnesses have been examined by the trial Court, and though the contraband article which is said to have been recovered from the joint possession of the accused persons is above the commercial quantity, but the co-accused namely Shivdhyan Kumar @ Mistri Yadav whose bail application was rejected by this Court vide order dated 09.10.2025 passed in MCRC No.7971/2025, he preferred a ***Special Leave to Appeal (Crl.) No.3135/2026*** before the Hon'ble Apex Court, and the same was allowed and he has been granted bail by the Hon'ble Apex Court on **23.04.2026**, and further that the applicant is in jail since 05.09.2024 and the conclusion of the trial is likely to take sometime, I am of the opinion that the applicant is entitled to be released on bail in this case.
8. Accordingly, this second bail application of the applicant is **allowed**.
9. Let the applicant, **Anil Kumar**, involved in Crime No. 118/2024, registered at Police Station – Komakhan, District – Mahasamund (C.G.) for the offence punishable under Section 20(B) of the NDPS Act, 1985, be released on bail on their furnishing **a 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.

10. 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