



2026:CGHC:21643



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NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****MCRC No. 4284 of 2026**

S. Neela Wd/o Late Diwakar Rao Aged About 35 Years R/o -Camp-01,
Pragati Nagar, Gurudwara Road,- Bhilai P.S. Chhawani, District -Durg
C.G.

... Applicant(s)**versus**

State Of Chhattisgarh Through- Sho Police Station Chhawani- Durg
District -Durg C.G.

... Non-applicant(s)

For Applicant : Mr. Shikhar Bakhtiyar, Advocate.

For Non-applicant/State : Mr. Sourabh Sahu, Panel Lawyer.

Hon'ble Shri Ramesh Sinha, Chief Justice**Order on Board****08.05.2026**

1. The applicant has preferred this First Bail Application under Section 483 of Bhartiya Nagrik Suraksha Sanhita, 2023 for grant of regular bail, as she has been arrested in connection with Crime No. 97/2026, registered at Police Station-Chhawani District-Durg (C.G.) for the offence punishable under Section 20(b) and 27(a) of the Narcotic Drugs and Psychotropic Substances Act.
2. As per the prosecution case, on 17.02.2026, Assistant Sub-Inspector Itwari Dehare of Police Station Chhawani received secret



information from an informer that the applicant/accused, S. Neela, was selling contraband ganja near her house for illegal profit. Acting upon the said information, the police party, along with independent witnesses, reached the spot at Camp-1, Pragati Nagar, Bhilai, and apprehended the applicant/accused after surrounding her. Upon search, one taped packet containing contraband ganja weighing 780 grams and one white carry bag containing contraband ganja weighing 1.300 kilograms were recovered from her possession, totaling 2.080 kilograms. Further, cash amounting to Rs. 5,200/-, alleged to be sale proceeds, was also seized. The accused failed to produce any valid document or authorization for possession or sale of the said contraband substance. Thereafter, the offence was registered under Section 20 (b) and 27(a) of Narcotic Drugs and Psychotropic Substances Act.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case and said contraband (Ganja) was not seized from the conclusive possession of the applicant. He 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. He also submits that from the possession of the applicant, less than 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 2.080 kg contraband article i.e. (Ganja) has been seized. It is further



submitted by the learned counsel for the applicant that the applicant has five criminal antecedents out of them one case is under the NDPS Act and is still pending as explained in the bail application of para No.4(A) and he is in jail since 17.02.2026 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 for the State opposes the bail application and submits that in the present case, charge-sheet has been filed before the competent Court and the applicant has five criminal antecedents out of them, one case is under the NDPS Act and is still pending as explained in the bail application of para No.4(A) however, the quantity of contraband article which is said to have been recovered from the possession of the applicant, is less than intermediate quantity as such, the present applicant is a habitual offender and he is not entitled for grant of bail.
5. I have heard learned counsel for the parties and perused the case diary.
6. Considering the facts and circumstances of the case, nature and gravity of offence levelled against the applicant and the fact that in the present case charge-sheet has been filed before the competent Court and the quantity of contraband article which was recovered from the possession of the applicant *i.e.* 2.080 Kgs of Ganja, is less than intermediate quantity but so far as the criminal antecedents of the applicant is concerned, the applicant has five criminal antecedents out of them, one case is under the NDPS Act and is still pending as explained in the bail application of para No.4(A), as



such, the present applicant is a habitual offender, further he has misused the bail granted to him earlier, and also in light of the judgment rendered by the Hon'ble Court in ***Deepak Yadav Vs. State of Uttar Pradesh & Another, reported in (2022) 8 SCC 559***, wherein the Hon'ble Supreme Court had cancelled the bail granted to the accused therein on the ground that the accused had previous antecedents, this Court is of the opinion that it is not a fit case to enlarge the applicant on regular bail. Accordingly, the bail application of applicant – **S. Neela**, involved in Crime No. 97/2026, registered at Police Station-Chhawani District-Durg (C.G.) for the offence punishable under Section 20(b) and 27(a) of the Narcotic Drugs and Psychotropic Substances Act, is **rejected**.

7. Needless to say that the trial Court concerned is at liberty to proceed and conclude the trial expeditiously.
8. 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**