



2026:CGHC:23760



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 4696 of 2026

Nihal Rai S/o Krishna Kumar Rai Aged About 20 Years R/o 7a, Street 03, Sector 1, Bhilai, Distt. Durg, Chhattisgarh.

... Applicant(s)

versus

State Of Chhattisgarh Through Station House Officer, P.S. Jamul, Bhilai, Distt. Durg, Chhattisgarh.

---- Non-applicant(s)

For Applicant	:	Ms. Mamta Jaiswal, Advocate.
For Non-Applicant	:	Mr. Priyank Rathi, Govt. Advocate.

Hon'ble Mr. Ramesh Sinha, Chief Justice

Order on Board

15/06/2026

1. This is the first bail application filed under Section 483 of the Bhartiya Nagrik Suraksha Sanhita, 2023 for grant of regular bail to the applicant who has been arrested in connection with Crime No. 03/2026 registered at Police Station, Jamul, Bhilai, District- Durg (C.G.), for the offence punishable under Sections 8, 21(b) and 27(a) read with Section 29 of NDPS Act.
2. Case of the prosecution, in brief, is that on 02.01.2026, Sub-Inspector Punit Ram Suryavanshi of Police Station Jamul received



credible information from an informer that prohibited narcotic substances, namely heroin (commonly known as “Chitta” or “Brown Sugar”) and Doda (Poppy Straw), were being stored and sold from the house of one Shailendra Singh situated behind the High School at Dhancha Bhavan, Kurud, for the purpose of earning illegal profits. Acting upon the said information, the police party, accompanied by independent witnesses, proceeded to the spot and conducted a raid at the rented house of co-accused Rajji Kaur situated near Sai Mandir, Dhancha Bhavan, Kurud. During the course of the raid, personal searches of co-accused Rajji Kaur and co-accused Kishan Singh were conducted. From their conscious and exclusive possession, the police recovered one small white plastic packet containing heroin (Chitta/Brown Sugar) weighing 33.36 grams and one polythene packet containing Doda (Poppy Straw) weighing 281.85 grams. Thus, a total quantity of 315.21 grams of narcotic substances was seized. Further, an amount of ₹8,90,400/- suspected to be proceeds of illicit narcotic trafficking and one Vivo mobile phone were also seized from the possession of the accused persons, for which they failed to produce any lawful explanation or supporting documents.

During investigation, memorandum statements of the said co-accused persons were recorded. In her memorandum statement, co-accused Rajji Kaur disclosed that she, along with her son Kishan Singh and co-accused Parmeshwar and Mithlesh, was engaged in the business of selling heroin (Chitta) and Doda. She further disclosed that the contraband was procured from one “Bire Sardar”,



a resident of Punjab and that portions of the heroin and Doda were supplied to the present applicant/accused and other co-accused persons for consumption as well as further sale. On the basis of the said disclosure, the present applicant/accused was implicated in the case and subjected to interrogation. In his memorandum statement, the applicant identified co-accused Parmeshwar and Mithlesh and admitted that he used to obtain heroin (Chitta) and Doda from them for consumption and for further sale. During the course of investigation, 1.100 kilograms of heroin was recovered and seized from the conscious possession of the present applicant/accused. The investigation thus clearly establishes the active involvement of the applicant in the illegal procurement, possession, distribution and trafficking of narcotic substances, constituting offences punishable under the provisions of the NDPS Act. Accordingly, the aforesaid offences were registered against the applicant along with co-accused.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the present case and no contraband has been recovered from his possession. His implication is based solely on the memorandum statement of the co-accused. It is further submitted that one of the co-accused, namely Rajji Kaur, has already been granted bail by this Court in M.Cr.C. No. 1848/2026 vide order dated 23.02.2026 and the case of the present applicant stands on a better footing. She further submits that the quantity of contraband allegedly seized from the co-accused is less than commercial quantity. It is also submitted that the applicant has two



criminal antecedents, out of which one pertains to an offence under the NDPS Act registered at Police Station Mohan Nagar, District Durg in the year 2025 and another case is under the IPC, both of which are still pending consideration before the competent Court as the same has been explained in the bail application of para No.4(A). It is further submitted that the applicant is in judicial custody since 02.01.2026, the charge-sheet has already been filed and the conclusion of trial is likely to take considerable time. Therefore, the applicant prays for grant of bail.

4. On the other hand, learned State counsel opposes the prayer for grant of bail and submits that the applicant is not entitled to the benefit of parity with co-accused Rajji Kaur, as her case stands on a completely different footing. It is submitted that co-accused Rajji Kaur was granted bail by this Court in M.Cr.C. No. 1848/2026 vide order dated 23.02.2026 primarily on the ground that the quantity of psychotropic substance recovered from her possession was less than commercial quantity and that she had no criminal antecedents. In contrast, the present applicant has two criminal antecedents, out of which one pertains to an offence under the NDPS Act registered in the year 2025 and the said case is still pending before the competent Court. Therefore, the applicant appears to be a habitual offender and cannot claim parity with the said co-accused. It is further submitted that considering the nature and gravity of the allegations, the criminal antecedents of the applicant and his involvement in a previous NDPS case, no case for grant of bail is made out. Though the quantity of psychotropic substance allegedly



recovered from the possession of the applicant, i.e. 1.100 kg of Heroin is less than commercial quantity, the same by itself does not entitle him to the discretionary relief of bail. Accordingly, he prays for rejection of the bail application.

5. I have heard learned counsel for the parties and perused the case diary.
6. Considering the submissions advanced by learned counsel for the parties, the material available on record, the nature and gravity of the allegations levelled against the applicant, the quantity of psychotropic substance allegedly recovered from his possession, which is less than commercial quantity and the fact that the applicant has two criminal antecedents including a previous case under the NDPS Act registered in the year 2025 which is still pending and further considering that the case of the applicant is distinguishable from that of co-accused Rajji Kaur, who was granted bail by this Court primarily on the ground that the quantity of psychotropic substance recovered from her possession was less than commercial quantity and she had no criminal antecedents, this Court is of the considered opinion that the applicant is not entitled to the benefit of parity and no case for grant of bail is made out at this stage and further the 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 – **Nihal Rai**, involved in Crime No. 03/2026 registered at Police Station, Jamul, Bhilai, District- Durg (C.G.), for the offence punishable under Sections 8, 21(b) and 27(a) read with Section 29 of NDPS 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 send a certified copy of this order to the trial Court concerned for necessary information and compliance forthwith.

Sd/-
(Ramesh Sinha)
Chief Justice