



2026:CGHC:24789



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 5288 of 2026

Izhaar Alam S/o Late Mumtaz Miya Aged About 24 Years R/o Gram Karari, Thana Shivsagar, District Rohtas Bihar

... Applicant

versus

State of Chhattisgarh Through Station House Officer Balrampur, District Balrampur-Ramanujganj Chhattisgarh.

... Non-applicant

For Applicant	: Ms. Hamida Siddiqui, Sr. Advocate along with Mr. Harsh Verma, Advocate
For Non-applicant/State	: Ms. Smriti Shrivastava, Panel Lawyer

Hon'ble Shri Ramesh Sinha, Chief Justice

Order on Board

18.06.2026

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. 161/2025 registered at Police Station – Balrampur, District Balrampur-Ramanujganj (C.G.), for the offence punishable under Section 20(B)(ii)(C) of the Narcotic Drugs and Psychotropic Substances Act, 1985.
2. The case of the prosecution, in brief, is that on receiving secret information that a person was transporting contraband ganja



concealed in a specially designed chamber beneath a tractor-trolley, the police recorded the information in the Rojnamcha Sanha and proceeded towards the main road near Police Station Balrampur. During surveillance, a red-coloured tractor attached with a yellow trolley was intercepted. Upon inquiry, the driver disclosed his identity as the present applicant. Thereafter, the police conducted a search of the vehicle and, after dismantling the trolley, allegedly discovered a concealed chamber beneath it. From the said chamber, 75 packets containing suspected ganja were recovered. On weighment, the total quantity of the recovered contraband was found to be 106.060 kilograms, which falls within the category of commercial quantity under the NDPS Act. The contraband along with the vehicle was seized in accordance with law, a crime was registered against the applicant, and he was arrested on 04.11.2025. Since then, the applicant has been in judicial custody. Hence, this bail application.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the present case without any cogent, reliable or legally admissible evidence. It is contended that the applicant was merely working as a driver and was hired by one Akash Kumar to transport the tractor from Ambikapur to Balrampur, and he had no concern with the ownership of the vehicle or the alleged contraband. She further submits that there are three accused persons involved in the present case and there is no material to show that the applicant had any agreement, common intention or meeting of minds with the



other co-accused persons. It is argued that the alleged contraband was recovered from a concealed chamber specially created beneath the trolley and, therefore, mere driving of the vehicle does not establish conscious possession or knowledge of the contraband. The prosecution has failed to produce any material demonstrating that the applicant was aware of the existence of the hidden chamber or the ganja allegedly concealed therein. She further submits that the mandatory provisions of Section 42 of the NDPS Act have not been duly complied with, as the alleged secret information was neither properly reduced into writing nor shown to have been communicated to the superior officers, thereby vitiating the prosecution case. It is also contended that the applicant is a poor person engaged as a driver and has no financial capacity to purchase or deal with such a huge quantity of contraband. She further points out that there are material contradictions and procedural irregularities in the search and seizure proceedings, and the possibility of tampering with the seized material cannot be ruled out. In these circumstances, it is submitted that the prosecution has failed to establish the essential ingredients of conscious possession and knowledge against the applicant. She further submits that the charge-sheet has been submitted before the competent Court, he has no previous criminal antecedents, and he is in jail since 04.11.2025 and conclusion of the trial may take some time, therefore, she prays for grant of regular bail to the present applicant.

4. On the other hand, learned State counsel opposes the bail application of the present applicant and submits that the charge-



sheet has already been submitted before the competent Court. She further submits that a huge quantity of contraband ganja, weighing 106.060 kilograms, which falls within the category of commercial quantity, was recovered from a specially designed concealed chamber beneath the trolley of the tractor being driven by the present applicant. It is submitted that the applicant was found in exclusive control and possession of the vehicle at the time of interception and, therefore, the statutory presumption under the NDPS Act operates against him. She further submits that the contraband was not recovered from an open or accessible place but from a secret chamber specifically created for illegal transportation, which *prima facie* indicates a well-planned and organized operation. It is argued that the plea of the applicant being merely a driver is a matter of defence and cannot be accepted at this stage, particularly when the recovery has been effected from the vehicle under his control. It is further submitted that the investigation has revealed the involvement of three accused persons acting in concert for transportation of the contraband and the role of each accused is being examined on the basis of the material collected during investigation. Considering the commercial quantity involved, the seriousness of the offence, the manner in which the contraband was concealed for transportation, and the rigours of Section 37 of the NDPS Act, the applicant is not entitled to be released on bail.

5. I have heard learned counsel appearing for the parties and perused the case diary.



6. Considering the nature and gravity of the allegations, the material available on record, the quantity of contraband recovered, and the submissions advanced by learned counsel for the parties, and the fact that acting upon secret information, the police intercepted the tractor-trolley being driven by the present applicant and, upon search, recovered 106.060 kilograms of ganja from a specially designed concealed chamber beneath the trolley. The quantity recovered is admittedly commercial in nature and attracts the rigours of Section 37 of the NDPS Act. *Prima facie*, the contraband was not recovered from an open place but from a secret compartment allegedly created for the purpose of transportation of narcotic substances, which indicates a well-organized and deliberate modus operandi. At the time of seizure, the applicant was found driving and in control of the vehicle from which the contraband was recovered. The defence raised by the applicant that he was merely a driver hired by another person and had no knowledge of the concealed chamber or the contraband is a matter of evidence which cannot be conclusively examined at this stage. The material collected during investigation further indicates the involvement of three accused persons in the transportation of the contraband. Having regard to the huge commercial quantity of ganja recovered, the manner of concealment adopted, the *prima facie* material available against the applicant, and the statutory restrictions contained in Section 37 of the NDPS Act, it cannot be a case of false implication.



7. Accordingly, the bail application of the applicant – **Izhaar Alam**, involved in Crime No. 161/2025 registered at Police Station – Balrampur, District Balrampur-Ramanujganj (C.G.), for the offence punishable under Section 20(B)(ii)(C) of the Narcotic Drugs and Psychotropic Substances Act, 1985, is **rejected**.
8. Needless to say that the trial Court concerned is at liberty to proceed and conclude the trial expeditiously.
9. 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

Rahul Dewangan