



2026:CGHC:24669



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 4830 of 2026

Mohd. Nihal S/o Mohd. Anwar Aged About 28 Years R/o Hanumantal Road,
Kujhdai Khermai Ward Jabalpur P.S. Tahsil and District – Jabalpur, Madhya
Pradesh

... Applicant

versus

State of Chhattisgarh Through Station House Officer, Police Station Bagbahara,
District – Mahasamund, Chhattisgarh

... Non-Applicant

For Applicant : Mr. Bharat Lal Sahu, Advocate.

For Non-Applicant/State : Ms. Ankita Shukla, Panel Lawyer.

Hon'ble Mr. Ramesh Sinha, Chief Justice

Order on Board

18.06.2026

1. This is the **Second bail application** filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to the applicant who has been arrested in connection with Crime No. 22/2026 registered at Police Station – Bagbahara, District – Mahasamund (C.G.), for the offence punishable under Sections 20(B) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.
2. The prosecution story, in brief, is that the police of Police Station Bagbahara received secret information from an informant that certain persons were illegally possessing and transporting contraband ganja in a scooty for the purpose of sale. Acting upon the said information, the police



conducted a search and seized 5.265 kilograms of contraband ganja from an open place near N.H.-353 Main Road, Bagbahara. Consequently, an offence punishable under Sections 20(b) and 29 of the NDPS Act was registered against the accused persons. It is alleged that the present applicant was not apprehended from the spot and has been implicated solely on the basis of the memorandum statement of the co-accused. The applicant was subsequently arrested on 04.02.2026.

3. The first bail application filed under Section under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to the applicant was rejected vide order dated 15.04.2026 in MCRC No. 3386 of 2026 by this Court on the ground that the applicant is having one criminal antecedents under the NDPS Act which shows that he is a habitual offender.
4. Learned counsel for the applicant submits that the applicant has been falsely implicated in the present case and has been in judicial custody since 04.02.2026. He further submits that the earlier bail application of the applicant was rejected on the ground of alleged criminal antecedents under the NDPS Act. However, it is contended that the contraband article allegedly seized from the applicant is less than commercial quantity. It is further submitted that two co-accused persons, who were allegedly similarly situated, have already been granted bail by this Court, therefore, the applicant seeks bail on the ground of parity.
5. Learned counsel for the State/non-applicant opposes the bail application and submits the earlier bail application of the applicant was rejected on the ground that the applicant is having one previous criminal antecedent under the NDPS Act which shows that he is a habitual offender. As such, the present applicant is not entitled to be released on bail.



6. I have heard learned counsel appearing for the State and perused the case diary.
7. Taking into consideration the fact that this is the second bail application filed by the applicant and it transpires from the record that the first bail application of the applicant was rejected by this Court vide order dated 15.04.2026 in MCRC No. 3386 of 2026 on the ground that the applicant is having 01 criminal antecedents under the NDPS Act which is pending, as such he is a habitual offender, further learned counsel for the applicant stated that two co-accused persons, who were allegedly similarly situated, have already been granted bail by this Court, therefore, the applicant seeks bail on the ground of parity, however, upon perusal of the orders granting bail to the said co-accused persons, it appears that they were enlarged on bail primarily on the ground that they had no criminal antecedents under the NDPS Act, so far as the present applicant is concerned, he has previous criminal antecedents under the NDPS Act, this fact was also duly taken into consideration and recorded by this Court while rejecting the applicant's first bail application and also in light of the judgment rendered by the Supreme Court in ***Deepak Yadav v. 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 is not a fit case to enlarge the applicant on regular bail.
8. Accordingly, the second bail application of the applicant - **Mohd. Nihal** filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, involved in Crime No. 22/2026 registered at Police Station – Bagbahara, District – Mahasamund (C.G.), for the offence punishable under Sections 20(B) and 29 of the Narcotic Drugs and Psychotropic Substances Act,



2026:CGHC:24669

1985, is **rejected**.

9. Needless to say that the trial Court concerned is at liberty to proceed and conclude the trial expeditiously.
10. 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**

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