



2026:CGHC:24656



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NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****MCRC No. 5142 of 2026**

Vicky S/o- Makhan Singh, Aged About 23 Years R/o- Masitan Raod Kot
1se Khan, Moga, Panjab, Pin Code-142043 (Punjab)

.. Applicant(s)**versus**

State Of Chhattisgarh Through Police Station, Aamanaka, District- Raipur
(C.G.)

... Non-Applicant(s)

For Applicant(s) : Mr. Shivam Agrawal, Advocate.

For Non-Applicant(s) : Ms. Sameeksha Gupta, Panel Lawyer.

Hon'ble Mr. Ramesh Sinha, Chief Justice**Order on Board****18/06/2026**

1. This is the first bail application filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the applicant who has been arrested in connection with Crime No. 109/2025 registered at Police Station Amanaka District- Raipur (C.G.) for the offence punishable under Sections 29 and 21(b) of NDPS Act.
2. As per the prosecution story, on 12.04.2025, acting upon information received from an informer, the police of Police Station Amanaka, District Raipur (C.G.), conducted a search of the main



accused, Mohammad Sohel Khan, near the gate of Khedia Business Park, Chandandih. During the search, 14 grams and 29 milligrams of heroin (Chitta) was recovered from his possession. Consequently, the police registered the present crime against Mohammad Sohel Khan and Tanmay Goinde. Thereafter, on the basis of the memorandum statement of the co-accused, the present applicant has also been implicated in the case.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the present case. It is argued that no contraband has been recovered from the possession of the applicant and his name does not find place in the FIR. The implication of the applicant is based solely on the memorandum statement of the co-accused persons. It is further submitted that the contraband alleged to have been recovered from the possession of the main accused persons, namely, Moh. Sohail Khan and Tanmay Goinde, is less than commercial quantity and they have already been enlarged on bail by this Court in MCRC No. 6538/2025 and MCRC No. 5955/2025, both vide order dated 28.08.2025. It is also submitted that the co-accused persons, namely, Jaskaran Singh and Simran Jeet Singh Batra, whose implication is similarly based on memorandum statements, have also been granted bail by this Court in MCRC No. 6484/2025 vide order dated 28.08.2025 and MCRC No. 7164/2025 vide order dated 09.09.2025. Therefore, the case of the present applicant stands on the same footing as that of the aforesaid co-accused persons and he is entitled to the benefit of parity. It is further submitted that the applicant has no criminal



antecedents, the charge-sheet has already been filed, he is in custody since 15.03.2026 and the conclusion of trial is likely to take considerable time. On these grounds, prayer has been made for grant of bail.

4. On the other hand, learned counsel for the State vehemently opposes the prayer for grant of bail and submits that the present applicant has been implicated on the basis of the memorandum statements of the co-accused persons recorded during the course of investigation, wherein his involvement in the alleged offence has specifically surfaced. It is further submitted that the offence is grave in nature and pertains to illicit trafficking of narcotic substances. Merely because no contraband was recovered directly from the possession of the applicant, he cannot claim bail as a matter of right when material collected during investigation prima facie indicates his involvement in the crime. She further submits that the applicant is a resident of the State of Punjab and the prosecution is not in a position to ascertain at this stage whether he has any criminal antecedents in the said State. Therefore, there remains a possibility that his criminal background may not have been fully verified. It is also argued that considering the nature and seriousness of the allegations and the material available on record, no case for grant of bail is made out. Accordingly, prayer has been made for rejection of the bail application.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Taking into consideration the facts and circumstances of the case,



nature of allegations and the fact that no contraband has been recovered from the possession of the present applicant, the fact that the main accused persons, namely, Moh. Sohail Khan and Tanmay Goinde, from whose possession the contraband was allegedly recovered, have already been granted bail by this Court in MCRC No. 6538/2025 and MCRC No. 5955/2025, respectively, vide orders dated 28.08.2025, as also the fact that the co-accused persons, namely, Jaskaran Singh and Simran Jeet Singh Batra, who were implicated on the basis of memorandum statements, have likewise been enlarged on bail by this Court in MCRC No. 6484/2025 vide order dated 28.08.2025 and MCRC No. 7164/2025 vide order dated 09.09.2025, the case of the present applicant appears to be similar to that of the aforesaid co-accused persons. Further considering the fact that the applicant is in judicial custody since 15.03.2026, has no criminal antecedents as stated in paragraph 4(a) of the bail application, the charge-sheet has already been filed and the conclusion of trial is likely to take considerable time, thus without commenting upon the merits of the case, this Court is inclined to extend the benefit of bail to the applicant.

7. Accordingly, the bail application of the applicant is **allowed**.
8. Let the Applicant-**Vickey**, involved in Crime No. 109/2025 registered at Police Station Amanaka District- Raipur (C.G.) for the offence punishable under Sections 29 and 21(b) of NDPS Act., be released on bail on his furnishing a **personal bond** with **two local 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.

9. Office is directed to send a copy of this order to the trial Court for necessary information and compliance forthwith.

Sd/-
(Ramesh Sinha)
CHIEF JUSTICE