



2026:CGHC:24735

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 5316 of 2026

Sahjaan Khan S/o Firdoush Khan Aged About 30 Years R/o Tahsil Para
Thana Bijapur Distt. Bijapur C.G. **...Applicant**

versus

State Of C.G. Through P. S. - Bijapur District. Bijapur C.G..
...Non-applicant

For Applicant	: Mr. Vikash A. Shrivastava, Advocate.
For Non-applicant/State	: Mr. Nitansh Jaiswal, Dy. G.A.

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 Bhartiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to the applicant who has been arrested in connection with Crime No. 05/2026 registered at Police Station – Bijapur District. Bijapur (C.G.) for the offence under Section 22(B) of the Narcotic Drugs and Psychotropic Substances Act.
2. The prosecution case, in brief, is that on the basis of secret

information ASI Bijapur caught present applicant having unauthorized possession of SPASMO PROXYVON PLUS capsules which contain prohibited Psychotropic Substance tramadol (56 Capsules i.e 21.560 Gram.

3. Learned counsel for the applicant submits that the applicant is innocent and has no connection whatsoever with the alleged offence and has been falsely implicated in the present case. It is contended that the allegations levelled by the prosecution are baseless and without any nexus to the applicant. The applicant has been in judicial custody since 27.01.2026 and has already undergone substantial incarceration. It is further submitted that the mandatory provisions of the NDPS Act have not been duly complied with during the course of investigation. No contraband or incriminating material has been recovered from the conscious possession of the applicant and nothing has been seized from him. The applicant was merely returning home after visiting the market when an altercation allegedly took place between him and the police officials, and thereafter he was falsely implicated in the present crime. It is further submitted that the charge-sheet has already been filed and, therefore, no further custodial detention of the applicant is required for the purpose of investigation. The applicant is a permanent resident of the address mentioned in the cause title, has deep roots in society, and there is no likelihood of his absconding, tampering with prosecution evidence, or influencing witnesses. The applicant undertakes to cooperate with the trial and assures this Hon'ble Court that, if released on bail, he shall not misuse the liberty granted to him. He is ready and willing to furnish adequate

surety and abide by all such terms and conditions as may be imposed by this Hon'ble Court while granting him the benefit of bail.

4. On the other hand, learned counsel appearing for the State/non-applicant opposes the bail application and submits that the charge-sheet has already been filed before the competent Court.
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, particularly the fact that the contraband allegedly recovered is less than the commercial quantity prescribed under the NDPS Act, and further considering that the charge-sheet has already been filed before the competent Court, the applicant has remained in judicial custody since 27.01.2026, and the conclusion of the trial is likely to take considerable time, this Court is of the considered opinion that the applicant is entitled to be enlarged on bail in the present case.
7. Let the Applicant - **Sahjaan Khan**, involved in Crime No. 05/2026 registered at Police Station – Bijapur Distt. Bijapur (C.G.) for the offence under Section 22(B) of the Narcotic Drugs and Psychotropic Substances Act., be released on bail on furnishing **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 she 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 her 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 her, 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.

8. Office is directed to send a certified copy of this order to the trial Court concerned for necessary information and compliance.

Sd/-
(Ramesh Sinha)
Chief Justice