



2026:CGHC:3986



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 8397 of 2025

1 - Udit Sharma S/o Anil Chandra Sharma Aged About 51 Years R/o - Smriti Nagar, Block- A /465, Police Station- Supela, District : Durg, Chhattisgarh

2 - Shuja Qureshi @ Sunny S/o Khursheed Qureshi Aged About 36 Years R/o New Adarsh Nagar, Sai Ram Hotel, Near Street No. 01 Police Station- Padmanabhpur, District : Durg, Chhattisgarh

... Applicants

versus

State Of Chhattisgarh Through Station House Officer, Police Station- Kabir Nagar, District : Raipur, Chhattisgarh

...Non-Applicant

For Applicants	: Mrs. Fouzia Mirza, Senior Advocate along with Ms. Rashmi Tandon, Advocate.
For Non-Applicant/State	: Dr. Saurabh Kumar Pande, Dy. A.G. along with Ms. Vaishali Mahilang, Dy. G.A

Hon'ble Mr. Ramesh Sinha, Chief Justice

Order on Board

22.01.2026

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 applicants who have been arrested in connection with Crime No.185/2025 registered at Police Station-Kabir Nagar, Raipur (C.G.) for the offence under Sections 21(C) and 29 of NDPS Act.

2. Case of the prosecution in brief is that, an information has been received through the informant on 25.08.2025 that near Sondongari Pond, two boys with one bag, one gunny bag & one carton containing the contraband Psychotropic Medicine TUSCOREX Cough Syrup and from the culvert near BSUP Colony on the road near pond and were trying to transport the said material to some other place and after registering an information, Rojnamcha constable Gajendra Sahu was sent for summoning witnesses, witness Dinesh Khare and Shankar Shamra were informed about the legal proceedings and after conducting the necessary proceeding as per the mandate of NDPS Act, police reached the place of the incident along with the investigation kit and searched for the suspect who were sitting on the culvert and tried to run away and after barricading, they were arrested. Notice U/s 50 of NDPS was given and after getting consent on search being made one color plastic gunny bag of Gulab Chawal, one card board carton and one green blue bag were recovered and from the gunny bag, 33 Bottles of 100ml TUSCOREX Cough Syrup was seized and from the place shown by them near a Kiosk, from the carton, 37 Bottles 100 ML each of



TUSCOREX Cough Syrup, in total 70 bottles of 100ml each i.e. 7000 ml of total TUSCOREX Cough Syrup and Rs. 17500/- along with mobile phone was seized from the possession of Rahul Banjare, the co-accused and from the possession of co-accused Nandan Mishra, from One Green Blue Bag 30 Bottles of 100ml each in total 3000ml TUSCOREX Cough Syrup and a mobile were recovered. On their memorandum, they have informed that they have been given the Psychotropic Substance of TUSCOREX Cough Syrup by One Surendra Singh for selling. On the basis of the information the FIR registered and during investigation on the memorandum of co-accused Surendra Singh, who is a worker of Blue Dart Courier Service has informed that the syrup was of the order of Aadiraj Medicals and out of the 03 orders, they have delivered only two cartons and One carton was not delivered and have been given to helper of Blue Dart Courier Service i.e. the co-accused person for selling. On the information from the memorandum the present applicants have been made accused and thereafter completion of investigation, the charge sheet was filed before the learned Concern Court. Based on these allegations, the aforesaid offences have been registered against the present applicants.

3. Learned Senior Advocate for the applicants submits that the applicants are innocent and have been falsely implicated in the present case. She further submits that total 33 & 37 bottles of TUSCOREX Cough Syrup i.e. total 70 bottles of 100 ML each, a



total of 7000 ML of TUSCOREX Cough Syrup has been seized from co-accused Rahul Banjare and a total of 30 bottles of TUSCOREX Cough Syrup i.e. total 30 bottles of 100 ML each, a total of 3000 ML of TUSCOREX Cough Syrup has been seized from Nandan Mishra and main ingredient of the seized substance is Codeine Phosphate, and as per the notification specifying the small and commercial quantity, 10gm being small quantity and 1 kg being commercial quantity, thereby the alleged seized substance is above the commercial quantity. She further submits that the applicants were having license for sale of drugs from the competent-authority, they have been implicated on the basis of the memorandum of the co-accused person Surendra Singh, but nothing has been seized from the possession of the applicants. She further submits that the applicants have been languishing in jail since 22.09.2025 and conclusion of trial is likely to take some time, therefore, they may be released on bail.

4. Learned counsel for the State/non-applicant opposes the bail application and submits that the charge-sheet has been filed in the present case before the competent Court. Mr. Pandey drawn attention of the Court to paragraph-11 of the affidavit filed by the concerned Superintendent of Police, which goes to show that the applicants were summoned from Durg and taken into custody and were questioned in front of witnesses and they have admitted in their memorandum statements that they used to order codeine containing Tuscorex cough syrup from Novogen Company



through Bludart Courier and sell the same to the customers without a proper prescription from the medical practitioner, therefore, they are not entitled for grant of bail.

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 and gravity of allegation levelled against the applicant, the fact that they have been implicated only on the basis of the memorandum of the co-accused person Surendra Singh, but nothing has been seized from their possession, further considering their period of detention and that the charge-sheet has been filed, further considering that conclusion of the trial may take some more time, this Court is of the view that the applicants are entitled to be released on bail in this case. Accordingly, the bail application is **allowed**.
7. Let the Applicants – **Udit Sharma** and **Shuja Qureshi @ Sunny**, involved in Crime No.185/2025 registered at Police Station- Kabir Nagar, Raipur (C.G.) for the offence under Sections 21(C) and 29 of NDPS Act be released on bail on furnishing **personal bond** with **two sureties** each in the like sum to the satisfaction of the Court concerned with the following conditions:-

(i) The applicant/s shall file an undertaking to the effect that he/they 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/s shall remain present before the trial court on each date fixed, either personally or through his/their counsel. In case of his absence, without sufficient cause, the trial court may proceed against him/them under Section 269 of Bharatiya Nyaya Sanhita.

(iii) In case, the applicant/s misuse/s the liberty of bail during trial and in order to secure his presence, proclamation under Section 84 of BNSS. is issued and the applicant/s fails to appear before the Court on the date fixed in such proclamation, then, the trial court shall initiate proceedings against him/the,, in accordance with law, under Section 209 of the Bharatiya Nyaya Sanhita.

(iv) The applicant/s 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/s 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/them in accordance with law.

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

Sd/-

(Ramesh Sinha)
Chief Justice