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NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****MCRC No. 9312 of 2025**

Sunil Kumar Sonwani @ Sonti S/o Ashok Kumar Sonwani Aged About 36 Years R/o Near Bolbam Kirana Store Gada Chowk Indira Nagar, P.S. Supela, Bhilai, Distt. Durg, Chhattisgarh. **...Applicant**

versus

State Of Chhattisgarh Through The Station House Officer, P.S. Balod, Distt. Balod, Chhattisgarh **...Non-applicant**

For Applicant	: Mr. Jitendra Gupta, Advocate.
For Non-applicant/State	: Ms. Vaishali Mahilong. Dy. G.A.

Hon'ble Mr. Ramesh Sinha, Chief Justice**Order on Board****20.01.2026**

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. 538/2024 registered at Police Station – Balod District - Balod (C.G.)



for the offence under Section 20(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

2. The prosecution story, in brief, is that the police of police station Balod, received a secret information from the information and on the said information conducted a raid and seized 16.390 Kgs of contraband Ganja from the possession of the applicant and other co-accused persons, thereafter, the aforesaid offence was registered against the accused person.
3. Learned counsel for the applicant submits that applicant is an innocent person and has been falsely implicated in the present crime, as he has neither committed nor participated in any offence and has been roped in falsely by the police; that the main accused in the case, namely Mo. Ashik, has already been granted bail by this Hon'ble Court vide order dated 14.02.2025 passed in MCRC No. 1295/2025, a copy whereof is annexed as Annexure A-4, and therefore the present applicant is also entitled to bail on the ground of parity; that the essential ingredients of the alleged offence are not prima facie attracted against the applicant and nothing has been seized from his exclusive possession, as he has been implicated merely on the basis of suspicion; that the applicant has been in judicial custody since 01.11.2025, is a young person aged about 32 years, belongs to a poor family, and his continued incarceration would cause undue hardship; that the applicant is a permanent resident of the address mentioned above and there is no likelihood of his absconding or evading the course of justice; that the applicant reserves his right to raise additional grounds at the time of hearing; and that the applicant is



ready and willing to furnish adequate surety and shall abide by all the directions and conditions as may be imposed by this Hon'ble Court.

4. On the other hand, learned counsel appearing for the State/non-applicant vehemently opposes the bail application and submits that a contraband article, namely 16.390 kilograms of Ganja, has been seized from the possession of the applicant, and further submits that the applicant has three prior criminal antecedents; therefore, in view of the nature and gravity of the offence, the applicant is not entitled to the grant of regular 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, it is noted that the contraband article, namely 16.390 kilograms of Ganja, was recovered from the joint possession of the applicant; that the main accused in the case, namely Mo. Ashik, has already been granted bail by this Hon'ble Court vide order dated 14.02.2025 passed in MCRC No.1295/2025; and further considering that the charge-sheet has been filed before the competent Court, that the applicant has been in judicial custody since 01.11.2025, and that the conclusion of the trial is likely to take some time, this Court is of the view that the applicant is entitled to be released on bail in the present case.
7. Let the Applicant - **Sunil Kumar Sonwani @ Sonti** involved in Crime No. 538/2024 registered at Police Station – Balod District - Balod (C.G.) for the offence under Section 20(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985, be released on bail on furnishing



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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