



2026:CGHC:9313



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NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****MCRC No. 9953 of 2025**

1 - Thapa Suraj Kishan S/o Thapa Kishan Aged About 36 Years R/o Apartment Al/5/29/14 Bethel Charitable Of India Near Abhuthiya Bank 17 Sector New Mumbai, P.S. Thane District Thane Maharashtra.

2 - Parshuram Raju Khadge S/o Raju Khadge Aged About 30 Years R/o Ambedkar Nagar Near Buddh Vihar, Digha, New Mumbai P.S. Thane District Thane Maharashtra.

... Applicants**versus**

State of Chhattisgarh Through Station House Officer Police Station Singhoda, District : Mahasamund, Chhattisgarh.

... Non-applicant

For Applicants	: Mr. Sudhir Kumar Sahu, Advocate.
For Non-applicant/State	: Ms. Smriti Shrivastava, Panel Lawyer.

Hon'ble Shri Ramesh Sinha, Chief Justice**Order on Board****23.02.2026**

- The applicants have preferred this First Bail Application under Section 483 of the Bhartiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail, as they have been arrested in connection with Crime No. 61/2025, registered at Police Station : Singhoda, District : Mahasamund, (C.G.) for the offence under Section 20(B) of the Narcotic Drugs and Psychotropic Substances Act, 1985.



2. Case of the prosecution, in brief is that the police of Police Station Singhoda, District : Mahasamund (C.G.) received a secret information from the informant and on the said information police conducted a raid and seized total 10 kgs of contraband Ganja from the joint possession of the present applicants. Thereafter, offence punishable under Section 20(B) of the Narcotic Drugs and Psychotropic Substances Act, 1985 has been registered against the present applicants.
3. Learned counsels for the applicants submits that the applicants are innocent persons and have been falsely implicated in the aforesaid case. He further submits that the said contraband Ganja was not seized from the possession of the present applicants. It is also submitted that prosecution agency has not followed the provisions under Section 42 of the NDPS Act. He submits that the applicant No.2 has no any previous criminal antecedent and applicant No.1 has 02 previous criminal antecedent, out of which, one case is under the NDPS of the year 2020 and another one is under the IPC, which are pending. He also submits that the applicants are in jail since 04.08.2025 and the trial is likely to take some time for its conclusion, therefore, he prays grant of bail to the applicants.
4. On the other hand, the learned State counsel opposes the bail application and submits that the charge-sheet has been filed before the competent Court in the present case. He further submits that total 10 kgs of contraband Ganja has been seized from the joint possession of the present applicants. It is further submitted that the



offence is serious in nature, applicant No.1 has 01 previous criminal antecedent in similar nature which is pending, shows that he is habitual offender, therefore, they are not entitled for grant of regular bail.

5. I have heard learned counsel for the parties and perused the case-diary.
6. Taking into consideration the facts and circumstances of the case, particularly, that there is 01 criminal antecedent registered against the applicant No. 1, namely, Thapa Suraj Kishan, which is pending, shows that applicant No. 1 is a habitual offender 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 No.1 on regular bail. Accordingly, the bail application of the applicant No.1 – Thapa Suraj Kishan, involved in Crime No. 61/2025, registered at Police Station : Singhoda, District : Mahasamund, (C.G.) for the offence under Section 20(B) of the Narcotic Drugs and Psychotropic Substances Act, 1985, is **rejected**.
7. Whereas, applicant No.2 has no any previous criminal antecedent, and he is languishing in jail since 04.08.2025 and conclusion of the trial may take some more time, this Court is of the view that the applicant No.1, namely, Parshuram Raju Khadge is entitled to be



released on bail in this case.

8. Accordingly, the bail application of the applicant No.1, **Parshuram Raju Khadge**, involved in Crime No. 61/2025, registered at Police Station : Singhoda, District : Mahasamund, (C.G.) for the offence under Section 20(B) of the Narcotic Drugs and Psychotropic Substances Act, 1985, be released on bail on 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 provide a certified copy of this order to the trial Court concerned for necessary information and compliance forthwith.

Sd/-

(Ramesh Sinha)
Chief Justice

Rahul Dewangan