



2026:CGHC:23782

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 9821 of 2025

1 - Sher Khan S/o Mehmood Khan Aged About 34 Years R/o Village Tarhala, Tahsil And Police Station Mangrulpeer, District : Washim, Maharashtra

2 - Shahrukh Sheikh S/o Late Karim Sheikh Aged About 25 Years R/o Village Tarhala, Tahsil And Police Station Mangrulpeer, District : Washim, Maharashtra



--- Applicant(s)

versus

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

--- Respondent(s)

MCRC No. 823 of 2026

Aman Ali S/o Bhola Miyam Aged About 21 Years R/o Village- Meerganj, P.S. Moh, District- Gopalganj (Bihar)

---Applicant(s)

Versus

State Of Chhattisgarh Through Police Station Ganj, District Raipur C.G.

--- **Respondent(s)**

For Applicant(s) in : Mr. Sudhanshu Kumar Singh, Advocate.
MCRC No.9821/2025

For Applicant(s) in : Mr. Ashish Gangwani, Advocate.
MCRC No.823/2026

For Respondent(s) : Ms. Smriti Shrivastava, Panel Lawyer.

Hon'ble Mr. Ramesh Sinha, Chief Justice

Order on Board

15/06/2026

1. The above mentioned two bail application arise out of same crime number, they are clubbed and heard together and are being disposed of by this common order.
2. These are the first bail applications 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. 247/2025 registered at Police Station Ganj, District Raipur (C.G.) under Section 20(B) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act') with respect to applicants, Sher Khan and Shahrukh Sheikh and Section 20(b)(ii)(B) of the NDPS Act with respect to applicant, Aman Ali.

3. Case of the prosecution, in brief, is as per secret information received from the informant, the Police of concerned Police Station seized total 9.620 Kgs of Ganja from the joint possession of each of the applicants, which led to the registration of alleged offence against the applicant and subsequently, the applicants were arrested. Hence, the bail application.
4. Learned counsel for the applicants jointly submit that the applicants have been falsely implicated in this case and the contraband Ganja was not seized from the exclusive possession of the applicants. They further submit that that prosecution agency has not followed the provisions under Section 42 of the NDPS Act and not taken search warrant from the superior authority. They also submit that from joint the possession of the applicants intermediate quantity of the psychotropic substance ganja has been seized, and therefore, it will not attract the rigors of Section 37 of the NDPS Act as the commercial quantity of ganja as prescribed under the schedule is more than 20 kgs and from the joint possession of the applicants only 9.620 kgs Ganja has been seized. They later submit that the applicants have no criminal antecedents and they are in jail since 27.09.2025 and the conclusion of the trial is likely to take quite long time. Therefore, they pray for grant of regular bail to the applicants.
5. On the other hand, learned counsel appearing for the State/non-applicant would oppose the bail application and submit that the

charge-sheet has been filed in the present case before the competent Court and also endorse the said submission that the applicants have no criminal antecedents. She further submits that from the joint possession of the applicants contraband article *i.e.* 9.620 kgs of Ganja is seized, therefore, the present applicants are not entitled for grant of bail.

6. I have heard learned counsel appearing for the parties and perused the case diary.
7. Taking into consideration the facts and circumstances of the case and the fact that the applicants have no criminal antecedents and the contraband article *i.e.* 9.620 kgs Ganja recovered from the joint possession of the applicants, is less than the commercial quantity and the charge-sheet has been filed in the present case before the competent Court, as such, this Court is of the view that the applicants are entitled to be released on bail in this case. Accordingly, the applications are **allowed**.
8. Let the Applicants - **Sher Khan, Shahrukh Sheikh** and **Aman Ali** involved in Crime No. 247/2025 registered at Police Station Ganj, District Raipur (C.G.) under Section 20(B) of the NDPS Act with respect to applicants, Sher Khan and Shahrukh Sheikh and Section 20(b)(ii)(B) of the NDPS Act with respect to applicant, Aman Ali, be released on bail on their furnishing **personal bond** with **two local sureties each** in the like sum to the satisfaction of the Court concerned with the following conditions:-

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

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

(iv) The applicants 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 applicants are 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 them in accordance with law.

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

Sd/-
(Ramesh Sinha)
Chief Justice

Akhil