



2026:CGHC:17335-DB

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**CRMP No. 1066 of 2026**

Kishore Sahu S/o Ishwari Sahu, aged about 34 years Occupation Constable R/o Sakarra P.S. and Tahsil Malkharouda, Dist. Sakti, Chhattisgarh.

... **Petitioner****versus**

State of Chhattisgarh, Through Police Station S.H.O. Jutemill, Distt. Raigarh, Chhattisgarh.

... **Respondent**

For Petitioner : Mr. Shyam Manohar, Advocate through VC
and Mr. Vivek Shrivastava, Advocate

For Respondent/State : Mr. Priyank Rathi, Govt. Advocate

Hon'ble Mr. Ramesh Sinha, Chief Justice
Hon'ble Mr. Ravindra Kumar Agrawal, Judge

Order on Board**Per Ramesh Sinha, Chief Justice****16.04.2026**

1. Heard Mr. Shyam Manohar (through video conferencing) and Mr. Vivek Shrivastava, learned counsel for the petitioner as well as Mr. Priyank Rathi, learned Government Advocate, appearing for the State/ respondent.
2. The present petition has been filed by the petitioners under Section 528 of the Bhartiya Nagrik Suraksha Sanhita with the following prayers :-

*"A. Quash the FIR No. 381/ 2024, dated 28.08.2024
P.S. Jutmil qua the present petitioner (Annexure P/1),*



B. Quash the Chargesheet bearing No.361/2024 dated 18.10.2024 qua the present petitioner (Annexure P/2),

C. Quash the cognizance taken by the Ld. trial court qua the present petitioner.

D. Quash the charge framing order dated 10.12.2024 of the Ld. Trial Court qua the present petitioner (Annexure P/6),

E. Quash the ongoing criminal proceeding qua the present petitioner in the above-mentioned FIR.; and grant any other relief to the petitioner as may be deemed fit and proper in the given facts and circumstances of the case, in the interest of justice.”

3. Brief facts of the case are that on 28.08.2024, secret information was received that a white Alto car and a Tata S Gold van were waiting at Kodatarai Hawaii Patti to sell narcotic substance (ganja). Inspector Mohan Lal Bhardwaj led a police team to the spot, and five persons—Santram Khute, Shumitra Khute, Rajaram, Ankit Singh, and Mahendra Tandan—were initially reported for possessing 175 kgs of ganja. A copy of the FIR is annexed as Annexure P/1. Based on the confessional statement of co-accused Santram Khute, additional accused Bhagwat Sahu, Deepak @ Nanu Bhardwaj, Vyomkesh @ Vyoma, and Kishor Sahu (petitioner herein) were arrested between 09:05 pm and 10 pm on 30.08.2024. The petitioner was arrested at 10 pm. A chargesheet was filed on 18.10.2024 under Sections 20(B)/29 of the NDPS Act against nine accused persons. Copy of the final report is annexed as Annexure P/2. The petitioner’s first and



second bail applications were dismissed by the this Court on 20.12.2024 and 20.03.2025, respectively. Copies of the orders are annexed as Annexures P/3 and P/4. The petitioner was granted regular bail on 03.12.2025 by the this Court. Copy of the bail order is annexed as Annexure P/5.

4. After completion of investigation, charge-sheet was filed before the Court of Special Judge (NDPS Act), District – Raigarh (C.G.), wherein cognizance was taken, and charges were framed on 10.12.2024. The case is currently at the evidence stage, with 12 out of 20 witnesses examined. Copy of the charge framing order is annexed as Annexure P/6.
5. Learned counsel for the petitioner submitted that the FIR does not disclose any cognizable offence against the petitioner, which is a prerequisite for initiating and continuing criminal proceedings. The entire case is based on a vague, uncorroborated confessional statement by co-accused Bhagwat Sahu, which lacks specific details regarding the alleged offence. He further submitted that the petitioner, being posted in the Treasury Department, had no access to information regarding police movements, and the prosecution has failed to produce any material or evidence to substantiate this claim. Furthermore, the charge framing order by the Learned Trial Court is cryptic and mechanically passed without considering the lack of substantive evidence, particularly as no witness has testified against the petitioner. Therefore, the proceedings are an abuse of the process of law, and the case falls



squarely under the guidelines set by the Hon'ble Supreme Court in ***State of Haryana Vs. Bhajan Lal, 1992 Supp (1) SCC 335*** and ***Toofan Singh v. State of Tamil Nadu, (2021) 4 SCC 1***. It is further submitted that the criminal proceedings are maliciously instituted with ulterior motives, as evidenced by the petitioner's unlawful suspension from service, which violated the principles of natural justice and government service rules. The FIR and charge sheet do not constitute a cognizable offence, and the allegations made against the petitioner are absurd and inherently improbable. The petitioner has been implicated without any credible evidence, and allowing the proceedings to continue would lead to a miscarriage of justice and undue harassment. In support of his argument, reliance has been placed by learned counsel for the petitioner on the judgment dated 10.01.2022 passed by the Apex Court in the matter of ***State by (NCB) Bengaluru Vs. Pallulabid Ahmad Arimutta & Another (Special Leave to Appeal (Crl) No. 242 of 2022 arising out of 22702 of 2020)***.

6. On the other hand, learned State counsel opposed the aforesaid submission and submitted that the FIR clearly discloses a cognizable offence against the petitioner, supported by credible evidence and confessional statements from co-accused persons, including Bhagwat Sahu. The petitioner's claim that the case is based solely on a vague statement is without merit, as the confessions and subsequent arrests provide sufficient grounds for the charges. The petitioner's argument that he had no access to



police movement information due to his posting in the Treasury Department does not negate his involvement in the larger criminal conspiracy. Furthermore, the charge framing order by the Learned Trial Court is valid, having been passed in accordance with legal requirements. The trial is ongoing, with several witnesses examined, and it is premature for the petitioner to claim that no evidence exists against him. The petitioner's assertion that the proceedings are malicious or initiated with ulterior motives is unsupported by facts. The prior dismissal of the petitioner's bail applications further reflects the seriousness of the case.

7. After considering the submissions of both the learned counsel for the petitioner and the learned State counsel, this Court finds that the FIR in the present case clearly discloses a cognizable offence against the petitioner, and the materials on record, including the confessional statements of co-accused persons, provide a sufficient basis for proceeding with the case. The petitioner's contention that the charges are vague and uncorroborated is unfounded, as the confessions of the co-accused, though not the sole evidence, support the investigation's trajectory. The Court takes note of the judgment in *Bhajan Lal* (supra), wherein the Hon'ble Supreme Court has observed that an FIR can be quashed only when the allegations, even if taken at face value, do not prima facie constitute any offence. In the present case, the allegations, when taken at face value, do indeed make out a case under the NDPS Act against the petitioner.



8. The petitioner also argues that the charge framing order is cryptic and mechanically passed, but this Court finds that the Learned Trial Court has followed due process in framing charges, considering the material evidence. As per the ***Toofan Singh*** (supra) judgment, confessional statements made by co-accused, while not entirely determinative, can form part of the evidence in cases involving a conspiracy, and the Trial Court is within its discretion to proceed with the case based on such evidence. Further, as laid down by the Apex Court in ***State of Maharashtra v. Suresh*** (2010) 9 SCC 466, the mere fact that no direct witness has testified against the petitioner does not negate the possibility of a prima facie case being made out, especially in a conspiracy case.
9. Regarding the petitioner's argument that he had no access to police movement information due to his posting in the Treasury Department, this Court finds that the petitioner's involvement is not purely reliant on such information. As per ***Pallulabid Ahmad Arimutta*** (supra), the Court held that the nature of the conspiracy and the role of the accused can be inferred from the cumulative evidence, which in this case includes confessions, arrests, and the petitioner's connection with the co-accused.
10. In light of the above and following the guidelines in ***Bhajan Lal*** (supra), which allow for the quashing of proceedings only in cases where no offence is made out, this Court finds no grounds to quash the criminal proceedings at this stage. The dismissal of the



petitioner's earlier bail applications and the ongoing trial, with several witnesses already examined, further supports the continuation of the proceedings. Therefore, in view of the relevant case law, including *Bhajan Lal*, *Toofan Singh*, and *Pallulabid Ahmad Arimutta*, the petition is devoid of merit and is accordingly **dismissed**.

Sd/-
(Ravindra Kumar Agrawal)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice