



2026:CGHC:16965

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****MCRC No. 1793 of 2026**

1. Gajendra Kumar Khatri S/o Tejmal Khatri Aged About 38 Years R/o 82, Gujron Ka Mohalla, Near Jhulelal Mandir, Sanganer, P.S. Sanganer, District Jaipur (Rajasthan), At Present R/o Near Shridhar Tent House, Nahar Road, Lormi, P.S. Lormi, District Mungeli (C.G.)
2. Neeraj @ Montu S/o Manikdas Manikpuri Aged About 24 Years R/o Gurudwara Chowk, Bus Stand Ramhepur, Lormi, P.S. Lormi, District Mungeli (C.G.)
3. Mangluram Sahu S/o Chhotelal Sahu Aged About 32 Years R/o Dindoul, P.S. Lormi, District Mungeli (C.G.)
4. Smt. Saraswati Sahu W/o Mangluram Sahu Aged About 30 Years R/o Dindoul, P.S. Lormi, District Mungeli (C.G.)

... Applicants**versus**

State of Chhattisgarh Through P.S. Kota, District Bilaspur (C.G.)

... Non-applicant

For Applicants	: Mr. Keshav Dewangan, Advocate.
For Non-applicant/State	: Mr. Sourabh Sahu, Panel Lawyer.

Hon'ble Mr. Ramesh Sinha, Chief Justice**Order on Board****13.04.2026**

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 applicants who have been arrested in connection with Crime No. 52/2026 registered at Police Station Kota, District Bilaspur (C.G.) for the offence under Sections 20(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

2. As per the prosecution story, on 22.01.2026, upon receipt of secret information, the police personnel of Outpost Belgahna intercepted the applicants, who were riding on two different motorcycles. Upon search, 10 kg of ganja was allegedly recovered from applicant No. 1, Gajendra Kumar Khatri, and 3 kg of ganja was recovered from Applicant No. 4. Applicant Nos. 2 and 3 were arrested on the ground that applicant Nos. 1 and 4 were travelling as pillion riders on the motorcycles driven by them. It is alleged that the applicants were carriers of the contraband, and since they could not produce any valid authorization for possessing the same, they were arrested.
3. It has been argued by learned counsel for the applicants that the applicants have been falsely implicated in this case. He further submits that prosecution agency has not followed the provisions under Section 42 of the NDPS Act and not taken search warrant from the superior authority. He also submits that from the possession of the applicants intermediate quantity of Ganja was 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 possession of the applicants 10 Kgs and 3 kgs of Ganja was seized. It is further submitted by the learned counsel for the applicants that the applicants have no criminal antecedents under the NDPS Act and they are in jail since 22.01.2026 and conclusion of the trial

is likely to take quite long time. Therefore, he prays for grant of regular bail to the applicants.

4. 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 under the NDPS Act.
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 that the contraband article i.e. 13 Kgs of Ganja was recovered from the joint possession of the applicants, which is less than commercial quantity. Moreover, the present applicants have no criminal antecedents under the NDPS Act. Also considering the fact that the charge-sheet has been filed in the present case before the competent Court and the applicants are in jail since 22.01.2026, conclusion of the trial may take some time, therefore, this Court is of the view that the applicants are entitled to be released on bail in this case.
7. Let the Applicants - **Gajendra Kumar Khatri, Neeraj @ Montu, Mangluram Sahu** and **Smt. Saraswati Sahu**, involved in Crime No. 52/2026 registered at Police Station Kota, District Bilaspur (C.G.) for the offence under Sections 20(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985, be released on bail on 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.

8. However, this Court hopes and trusts that the trial Court shall make an earnest endeavour to conclude the trial as expeditiously as possible within a period of **six months** from the receipt of a certified copy of this order in accordance with law, if there is no legal impediment.

9. 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**

Abhishek