



2026:CGHC:14117

**NAFR****HIGH COURT OF CHHATTISGARH AT BILASPUR****MCRC No. 2741 of 2026**

Akhil Kumar Jaiswal S/o Radheshyam Jaiswal Aged About 18 Years R/o Village Beltikari, Police Station Bilaigarh, Tahsil Bhatgaon, District Sarangarh- Bilaigarh (C.G.)

**... Applicant****versus**

State of Chhattisgarh Through The Station House Officer Police Station Shivrinarayan, District Janjgir- Champa (C.G.)

**... Non-applicant**

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For Applicant	: Mr. Shikhar Sharma, Advocate
For Non-applicant/State	: Mr. Shailendra Sharma, Panel Lawyer

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**Hon'ble Shri Ramesh Sinha, Chief Justice****Order on Board****24.03.2026**

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. 09/2026 registered at Police Station Shivrinarayan, District Janjgir- Champa (C.G.) for the offence under Sections 20(B) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.
2. Case of the prosecution, in brief is that the police received secret information that two persons, namely Chandrashekhar Sahu and



Tushar Sahu, were transporting contraband ganja. Acting upon the said information, the police intercepted them and seized 15.700 kg of ganja from their possession. During investigation, the memorandum statement of accused Chandrashekhar Sahu was recorded, wherein he stated that he had purchased the said ganja from Vimal Kumar, a resident of Padampur (Odisha), and that the contraband was being transported to Shivrinarayan in an ECO car bearing Registration No. CG-06/HE-2340 for delivery to the present applicant. On the basis of the said memorandum, the present applicant was arrested. Hence, this bail application.

3. Learned counsel for the applicant submits that the present applicant is innocent and has been falsely implicated in the present case. He further submits that the said contraband article was not seized from the possession of the present applicant. He also submits that prosecution agency has not followed the provisions under Section 42 of the NDPS Act. He further submits that the present applicant made accused only on the basis of memorandum statement of the co-accused Vimal Kumar and nothing has been seized from the possession of the present applicant. He also submits that the applicant has no criminal antecedents and he is in jail since 05.01.2026 and conclusion of the trial is likely to take quite long time. Therefore, he prays for grant of regular bail to the applicant.
4. On the other hand, learned counsel for the State opposes the bail application of the applicant and submits that the charge-sheet has been filed before the competent Court. He further submits that the



applicant is involved in a serious offence relating to illegal possession and transportation of a commercial quantity of contraband ganja, and his involvement is clearly reflected from the memorandum statement of co-accused. It is further submitted that there is sufficient material available on record against the applicant, and in view of the gravity of the offence, he is not entitled to be released on 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 that in the present bail application the charge-sheet has been filed before the competent Court, the contraband article i.e. 15.700/- Kg Ganja was not recovered from the exclusive possession of the applicant, the same was recovered from the possession of the co-accused persons, namely Chandrashekhar Sahu and Tushar Sahu, is less than the commercial quantity, and further the fact that the applicant has no criminal antecedents and he is in jail since 05.01.2026 and conclusion of the trial may take some time, therefore, this Court is of the view that the applicant is entitled to be released on bail in this case.
7. Accordingly, the bail application of the applicant is **allowed**. Let the Applicant – **Akhil Kumar Jaiswal**, involved in Crime No. 09/2026 registered at Police Station Shivrinarayan, District Janjgir- Champa (C.G.) for the offence under Sections 20(B) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, be released on bail



on furnishing **personal bond** with **two 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



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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 forthwith.

**Sd/-**

**(Ramesh Sinha)  
Chief Justice**

**Rahul Dewangan**