



2026:CGHC:15111

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****MCRC No. 2804 of 2026**

Santosh Kumar Lahare S/o Balaram Lahare Aged About 25 Years R/o Village Mal Kharouda, Police Station Kharouda, District Sakti Chhattisgarh

... Applicant(s)**versus**

State Of Chhattisgarh Through The Station House Officer Police Station Lormi, District Mungeli Chhattisgarh

... Non-applicant(s)

For Applicant	: Mr. Virendra Verma, Advocate
For Non-Applicant/State	: Mr. Shailendra Sharma, Panel Lawyer.

Hon'ble Mr. Ramesh Sinha, Chief Justice**Order on Board****01/04/2026**

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 applicant who has been arrested in connection with Crime No. 79/2025 registered at Police Station- Lormi, District- Mungeli (C.G.), for the offence punishable under Section 20(B) of the N.D.P.S. Act.
2. Case of the prosecution, in brief, is that on 15.02.2025, Inspector



Akhilesh Kumar Vaishnav of Police Station Lormi received information through an informer that one person along with another associate was illegally transporting narcotic substance (ganja) in a Mahindra car bearing registration No. CG 12 AF 3456 from village Kudhurtal towards village Khektara, upon which he, after issuing notices to witnesses and taking necessary materials for proceedings under the NDPS Act along with staff and witnesses, reached the spot and conducted a raid, wherein a car was intercepted and two persons were found seated, one on the driver's seat and another beside him, who on inquiry disclosed their names as Raju Sahu and Ramraj, and after informing them of their rights under Section 50 of the NDPS Act and conducting their personal search nothing incriminating except clothes was found, however upon search of the said vehicle three white plastic sacks were found containing 28 packets each wrapped in brown tape totaling 86.250 kg ganja valued at ₹8,50,000/- which was seized from the possession of co-accused Raju Sahu and upon notice no valid documents were produced and as both accused were found transporting commercial quantity of ganja for illegal sale, Crime No. 79/2025 under Section 20(b) NDPS Act was registered at Police Station Lormi against them and they were arrested and during investigation notice was issued to the registered owner Arun Kumar Khunte who disclosed that the vehicle was driven by Santosh Kumar Lahre, who on being taken into custody stated that he was employed by the owner and had handed over the vehicle to Raju Sahu on 15.02.2025 due to monetary inducement and on finding



sufficient evidence against Arun Kumar Khunte and Santosh Kumar Lahre they were arrested on 19.06.2025 and after completion of investigation charge-sheet has been filed under Section 20(b) NDPS Act which is presently pending for prosecution evidence.

- 3.** Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the present case. It is further submitted that the applicant is merely a driver of the vehicle belonging to co-accused Arun Kumar Khunte, from which the alleged contraband ganja has been recovered. It is further submitted that on the instructions of the vehicle owner, namely Arun Kumar Khunte, the applicant was directed to deliver the said vehicle to Raju Sahu, who is a relative of Arun Kumar Khunte and without having any knowledge about the alleged contraband, the applicant handed over the vehicle to Raju Sahu and returned. Thereafter, Raju Sahu allegedly misused the said vehicle and was apprehended along with co-accused Ramraj, from whose possession 86.250 kg of ganja was recovered. It is further submitted that the bail applications of co-accused Arun Kumar Khunte and Ramraj have already been rejected by this Court; however, the case of the present applicant stands on a different footing inasmuch as, at the time of his arrest, the applicant in his memorandum statement clearly stated that he had only handed over the vehicle to Raju Sahu on the instructions of its owner Arun Kumar Khunte. It is also submitted that some material and important prosecution witnesses have already been examined, but they have not supported the case of the prosecution. He further submits that



the applicant is in judicial custody since 19.06.2025, the charge-sheet has already been filed before the competent Court, the applicant has no criminal antecedents, and the trial is likely to take considerable time to conclude hence, it is prayed that the applicant be released on bail.

4. On the other hand, learned State counsel opposes the prayer for grant of bail and submits that the applicant is involved in a serious offence involving transportation of commercial quantity of contraband ganja and considering the nature and gravity of the offence, no leniency deserves to be shown to him. It is further submitted that huge quantity of contraband i.e. 86.250 kg ganja has been recovered from the vehicle, which is much above the commercial quantity and the applicant being the driver of the said vehicle cannot be absolved of his liability at this stage. He further submits that there is sufficient material available on record to prima facie connect the applicant with the commission of the offence and the plea of lack of knowledge is a matter of trial. It is also contended that the bail applications of co-accused persons, namely Arun Kumar Khunte and Ramraj, have already been rejected by this Court, therefore, the present applicant is also not entitled to be released on bail. Further, in view of the bar contained under the NDPS Act for offences involving commercial quantity, the applicant does not deserve the benefit of bail. Hence, it is prayed that the bail application be rejected.
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, nature and gravity of the offence, the submissions advanced by learned counsel for the parties and the material available on record, this Court finds that the allegation against the present applicant is that he was the driver of the vehicle from which a commercial quantity of contraband ganja i.e. 86.250 kg has been recovered. However, it also appears from the record that the applicant is not the owner of the said vehicle and is merely a driver employed by co-accused Arun Kumar Khunte. As per the memorandum statement of the applicant, he had handed over the said vehicle to co-accused Raju Sahu only on the instructions of the vehicle owner Arun Kumar Khunte and there is no material available on record at this stage to prima facie establish that the applicant had conscious knowledge about the presence of contraband in the said vehicle. It is further taken into consideration that the contraband has been recovered from the possession of co-accused Raju Sahu, who along with another co-accused was apprehended at the spot, whereas the present applicant was not present at the time of seizure. Although the bail applications of co-accused Arun Kumar Khunte and Ramraj have been rejected by this Court, the case of the present applicant stands on a different footing, as his role is limited to that of a driver who allegedly acted on the instructions of the vehicle owner. It is also relevant to note that the applicant is in judicial custody since 19.06.2025, he has no criminal antecedents, the charge-sheet has already been filed and some of the material prosecution witnesses have already been examined who have not supported the case of



the prosecution. Considering that the trial is likely to take considerable time for its conclusion and further detention of the applicant would not serve any useful purpose, this Court is of the view that the applicant is entitled to be released on bail.

7. Accordingly, the bail application of the applicant is **allowed**.
8. Let the applicant – **Santosh Kumar Lahare**, involved in Crime No. 79/2025 registered at Police Station- Lormi, District- Mungeli (C.G.), for the offence punishable under Section 20(B) of the N.D.P.S. Act, be released on bail on his furnishing a **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 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 send a certified copy of this order to the trial Court for necessary information and compliance.

**Sd/-
(Ramesh Sinha)
Chief Justice**