



2026:CGHC:20195

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****MCRC No. 3980 of 2026**

Firu @ Fired Yadav S/o Late Anuj Yadav Aged About 35 Years R/o Ward
No. 15, Chorbhatthi , Pathariya, District- Mungeli (C.G.)

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

State Of Chhattisgarh Through Station House Officer, Police Station
Pathariya, District- Mungeli (C.G.)

... Respondent(s)

For Applicant(s) : Mr. B.M. Roy, Advocate.

For Respondent(s) : Ms. Ankita Shukla, Panel Lawyer.

Hon'ble Mr. Ramesh Sinha, Chief Justice**Order on Board****30/04/2026**

1. This is the first bail application filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the applicant who has been arrested in connection with Crime No. 20/2026 registered at Police Station Pathariya, District- Mungeli (C.G.), for the offence punishable



under Sections 20(B) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

2. Case of the prosecution, in brief, is that on 30.01.2026, Assistant Sub-Inspector P.S. Thakur of Police Station Pathariya received secret information that a person was standing near the weekly market at Pathariya for selling illegal contraband ganja. The information was recorded in the rojnamcha, and after completing necessary formalities under the NDPS Act, including preparation of informer panchnama and informing superior officers, a raiding team along with witnesses proceeded to the spot. Upon reaching the spot and surrounding the area, one person was found present, who disclosed his name as Firu @ Firendra Yadav. After informing him of his rights under Section 50 of the NDPS Act and conducting due search formalities, a bag in his possession was searched in presence of witnesses, from which 2.020 kg of ganja valued at Rs.14,140 was recovered and seized. Thereafter, Crime No. 20/2026 under Section 20(b) of the NDPS Act was registered at Police Station Pathariya, the accused was arrested on the same day, and after completion of investigation, charge-sheet has been filed and the case is presently fixed for prosecution evidence. Hence, the bail application.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case and he is in jail since 30.01.2026. He would further submits that the mandatory



provisions with regard to search and seizure were not complied with in this case and the conclusion of the trial may take quite long time. Accordingly, he prays for enlarging the applicant on regular bail.

4. Learned State counsel would oppose the bail application and submit that the applicant charge-sheet has been filed in the present case. She further submits that the applicant has prior case under the NDPS Act (Crime No. 98/2018) and has also been convicted in Special Criminal Case No. 05/2018 by the Special Judge, NDPS Act, Mungeli on 03.05.2019, wherein he was sentenced to 10 years RI with fine. His criminal appeal (CRA No. 869/2019) is pending before a Co-ordinate Bench of this Court. In the said appeal, the applicant had preferred an interim bail application bearing I.A. No. 01/2019 for suspension of sentence and grant of bail, which was allowed, and the applicant was released on bail. However, after being released on bail, the applicant again committed the same offence, as such the applicant is a habitual offender and his bail application is liable to be rejected.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Considering the fact that the applicant has prior case under the NDPS Act (Crime No. 98/2018) and has also been convicted in Special Criminal Case No. 05/2018 by the Special Judge, NDPS



Act, Mungeli on 03.05.2019, wherein he was sentenced to 10 years RI with fine, against which the applicant had preferred criminal appeal bearing CRA No. 869/2019, which is pending before a Co-ordinate Bench of this Court, and in the said appeal, the applicant had preferred an interim bail application bearing I.A. No. 01/2019 for suspension of sentence and grant of bail, which was allowed, and the applicant was released on bail, however, after being released on bail, the applicant again committed the present offence under the NDPS Act, as such, the conduct of the applicant goes to show that he is a habitual offender and has misused the liberty of bail granted to him earlier, further the charge-sheet has been filed before the competent Court in the present case and also in light of the judgment rendered by the Supreme Court in ***Deepak Yadav v. State of Uttar Pradesh & Another***, reported in **(2022) 8 SCC 559**, wherein the Hon'ble Supreme Court had cancelled the bail granted to the accused therein on the ground that the accused had previous antecedents, this Court is of the opinion that is not a fit case to enlarge the applicant on regular bail.

7. Accordingly, the bail application of the applicant - **Firu @ Fired Yadav**, involved in Crime No. 20/2026 registered at Police Station Pathariya, District- Mungeli (C.G.), for the offence punishable under Sections 20(B) of the Narcotic Drugs and Psychotropic Substances Act, 1985, is **rejected**.



8. Needless to say that the trial Court concerned is at liberty to proceed and conclude the trial expeditiously.
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**

Akhil