

(2025) 03 CHH CK 0439
In the Chhattisgarh High Court
Case No : MCRC No. 896 Of 2025

Shivanand Patel

APPELLANT

Vs

State Of Chhattisgarh

RESPONDENT

Date of Decision : 05-03-2025

Acts Referred:

Bharatiya Nagrik Suraksha Sanhita, 2023 — Section 209, 269, 351, 483
Narcotic Drugs and Psychotropic Substances Act, 1985 — Section 20 (B), 42

Citation : (2025) 03 CHH CK 0439

Hon'ble Judges : Ramesh Sinha, J

Bench : Single Bench

Advocate : Vijay Shankar Mishra, Hariom Rai

Final Decision : Allowed

Judgement

Ramesh Sinha, J

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. 466/2024 registered at Police Station Bhatapara(Town), District Baloda-Bazar Bhatapara (C.G.) for the offence punishable under Section 20(B) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

2. Case of the prosecution, in brief is that the police of Police Station Bhatapara(Town), District Baloda-Bazar Bhatapara (C.G.), received a secret information from the informant and on the basis of the said information police conducted a raid and seized 12.460 Kgs of Ganja from the possession of the present applicant. Thereafter, an FIR under Section 20 (B) of the Narcotic Drugs and Psychotropic Substances Act, 1985 has been registered against present applicant.

3. It has been argued by learned counsel for the applicant that the present applicant has been falsely implicated in this case and said contraband article was

not seized from the possession of the present applicant. 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 the present applicant has no criminal antecedents. He further submits that the co-accused person, namely, Smt. Pooja Patel in MCRC No. 895/2025 has already been granted bail by this Hon'ble Court vide order dated 31.01.2025, hence the applicant is also entitled to be released on bail on the ground of parity.

4. On the other hand, learned State counsel would oppose the bail application and submit that the charge-sheet has been filed in the present case before the competent Court.

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 applicant has no criminal antecedents and further, the other co-accused person, namely, Smt. Pooja Patel in MCRC No. 895/2025 has already been granted bail by this Court vide order dated 31.01.2025, therefore, this Court is of the considered view that the present applicant is also entitled to be grant regular bail on the ground of parity in this Case.

7. Let the Applicant – Shivanand Patel, involved in Crime No. 466/2024 registered at Police Station Bhatapara(Town), District Baloda-Bazar Bhatapara (C.G.) for the offence punishable under Section 20(B) of the Narcotic Drugs and Psychotropic Substances Act, 1985, be released on bail on his furnishing personal bond with two local 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.

8. Office is directed to send a certified copy of this order to the trial Court concerned for necessary information and compliance forthwith./-