



2026:CGHC:26299

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**MCRC No. 5543 of 2026**

Nehal Singh S/o Raghubir Singh Aged About 30 Years (Correct Name Mentioned), R/o Indrapara, Zone-1, B.M.Y. Charoda, Police Station G R P Charoda, District Durg Chhattisgarh

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

State Of Chhattisgarh Through Station House Officer, Police Station Amanaka Raipur, District Raipur Chhattisgarh

.. Respondent(s)

For Applicant : Ms. Fouzia Mirza, Senior Advocate along with Mr. Ali Afzaal Mirza, Advocate.

For Respondent/State : Ms. Smriti Shrivastava, Panel Lawyer.

Hon'ble Mr. Ramesh Sinha, Chief Justice**Order on Board****29.06.2026**

1. This is the second bail application filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to the applicant who has been arrested in connection with Crime No. 340/2025 registered at Police Station – Amanaka, District Raipur (C.G.) for the offence punishable under Section 21(C) and 29 of the N.D.P.S Act, 1985.
2. The first bail application of the applicant was rejected on merits by this



Court vide order dated 08.12.2025 passed in MCRC No. 10006/2025.

3. The case of the prosecution, in brief, is that on 15.10.2025, Police Station Amanaka received secret information that near Gate No. 4 of AIIMS Hospital, beside G.E. Road, Tatibandh, two persons were carrying narcotic syrup and were searching for customers. Acting upon the said information and following the procedure prescribed under the NDPS Act, the police conducted a raid at the spot, wherein two persons, namely, Yuvraj Singh Chouhan and Wajid Khan, were lawfully apprehended. A grey-coloured bag kept inside the E-rickshaw bearing Registration No. CG 04 QN 1623 was searched and 40 bottles of Glankof-T syrup containing Codeine Phosphate and Triprolidine Hydrochloride, each bottle containing approximately 100 ml, i.e., a total quantity of 4000 ml (4 litres), were seized from their possession. The memorandum statements of the co-accused persons, namely, Wajid Khan and Yuvraj Singh Chouhan, were recorded, wherein they stated that they had purchased the said syrup bottles from the present applicant. Thereafter, the applicant was interrogated and his memorandum statement was also recorded, wherein he disclosed that he had purchased the said narcotic syrup from Bhavnath Tiwari, a resident of Padumnagar, Charoda, and had sold the same to the co-accused persons. Finding prima facie evidence against the present applicant, an offence under Sections 21(c) and 29 of the NDPS Act was registered against him along with the other co-accused persons vide Crime No. 340/2025 at Police Station Amanaka, District Raipur, and the matter was taken up for investigation. After completion of the investigation, the charge-sheet has been filed before the competent Court.



4. Learned counsel for the applicant submits that the first bail application of the applicant was rejected on merits by this Court vide order dated 08.12.2025 passed in MCRC No. 10006/2025 and the new ground for filing of the present second bail application is that the applicant is in custody since 15.10.2025 and despite filing of the charge-sheet and framing of charges on 08.04.2026, not a single prosecution witness has been examined till date. It is submitted that after framing of charges, summons were issued to prosecution witnesses for their appearance before the trial Court on different occasions, however, the same were returned unserved and, consequently, the evidence could not be recorded. In support of the said contention, copies of the order-sheets of the trial Court have been annexed along with the application. It is further submitted that as many as 15 prosecution witnesses are yet to be examined and therefore, there is no likelihood of the trial being concluded in the near future. It is contended that the applicant has been implicated in the present case solely on the basis of the memorandum statements of the co-accused persons and no contraband has been recovered from his conscious and exclusive possession. Learned counsel further submits that there is no independent or incriminating material available on record to show that the applicant had sold the alleged narcotic syrup to the co-accused persons and the prosecution has failed to collect material evidence, including CCTV footage and relevant records from the company where the applicant was employed. It is also submitted that the procedure adopted by the police in respect of seizure and weighment is doubtful. Hence, on account of prolonged incarceration, delay in trial and change in circumstances, the applicant deserves to be enlarged



on bail.

5. On the other hand, learned State counsel opposes the bail application and submits that the first bail application of the applicant has already been rejected on merits by this Court vide order dated 08.12.2025 passed in MCRC No. 10006/2025. It is further submitted that no substantial change in circumstances has taken place thereafter so as to warrant reconsideration of the applicant's prayer for bail. Learned State counsel submits that during the course of investigation, 40 bottles of Glankof-T syrup containing Codeine Phosphate and Triprolidine Hydrochloride, each bottle containing 100 ml, i.e., a total quantity of 4000 ml (4 litres), which is much above the commercial quantity, was seized from the possession of co-accused persons namely, Yuvraj Singh Chouhan and Wajid Khan. It is submitted that in their memorandum statements, the said co-accused persons specifically disclosed that they had purchased the seized narcotic syrup from the present applicant. Thereafter, the memorandum statement of the present applicant was also recorded, wherein he disclosed that he had procured the said narcotic syrup from one Bhavnath Tiwari, resident of Padumnagar, Charoda, and had subsequently sold the same to the co-accused persons. Thus, the material available on record prima facie reveals an organized chain of illicit trafficking in narcotic substances involving the present applicant. It is further submitted that the grounds raised in the present repeat bail application are not sufficient to interfere with the earlier order passed on merits and, therefore, the applicant is not entitled to be enlarged on bail.
6. I have heard learned counsel for the parties and perused the case



diary.

7. Considering the facts and circumstances of the case, nature and gravity of allegations levelled against the applicant, the fact that the first bail application of the applicant was rejected on merits by this Court vide order dated 08.12.2025 passed in MCRC No. 10006/2025 and the new ground raised in the present second bail application is that the applicant is in custody since 15.10.2025 and despite framing of charges, no prosecution witness has been examined till date, this Court has perused the order-sheets of the trial Court annexed with the application. Although it appears that no prosecution witness has been examined after framing of charges and the next date fixed before the trial Court for recording evidence i.e. 03.07.2026, however, considering the fact that the applicant has been implicated not only on the basis of the memorandum statements of co-accused persons namely, Yuvraj Singh Chouhan and Wajid Khan, who specifically disclosed that they had purchased the seized narcotic syrup from the present applicant, but also in view of the memorandum statement of the present applicant himself, wherein he disclosed that he had procured the contraband from Bhavnath Tiwari and thereafter sold the same to the co-accused persons, prima facie, the material available on record indicates the involvement of the applicant in an organized chain of illicit trafficking of narcotic substances. Further, the quantity of contraband seized i.e. 40 bottles of Glankof-T syrup containing Codeine Phosphate and Triprolidine Hydrochloride measuring 4000 ml (4 litres) is much above the commercial quantity. In such circumstances, this Court is of the considered opinion that the ground of delay, as canvassed by the applicant, by itself does not constitute a



substantial change in circumstances so as to take a view different from the one already taken by this Court while rejecting the first bail application on merits. Accordingly, no case for grant of bail is made out.

8. Accordingly, the second bail application of the applicant- **Nehal Singh**, involved in Crime No. 340/2025 registered at Police Station – Amanaka, District Raipur (C.G.) for the offence punishable under Section 21(C) and 29 of the N.D.P.S Act, 1985, is **rejected**.
9. However, this Court hopes and trust that the trial Court shall make an earnest endeavour to conclude the trial as expeditiously as possible preferably within a period of **four months** from the date of passing of order, if there is no legal impediment.
10. The Director General of Police, Chhattisgarh, is directed to ensure the presence of the prosecution witnesses, including seizure witness and prosecution witnesses who are police personnel, for recording their evidence on the next date fixed i.e. 03.07.2026. Failing which, their salaries shall be stopped, as the conclusion of the trial is being delayed due to the laxity of the police personnel.
11. A copy of this order be sent to the Director General of Police, Chhattisgarh through the learned State counsel for information and necessary action forthwith.
12. 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