



2025:CGHC:44008

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 4996 of 2025

Mukesh Hirwani S/o Bharat Hirwani Aged About 18 Years R/o Chakarbhata,
Ward No. 12 Hanuman Mandir Ke Paas Thana Chakarbhata, District
Bilaspur, Chhattisgarh. **---Applicant**

versus

State Of Chhattisgarh Through Police Station Ganj, District Raipur,
Chhattisgarh. **---Non-applicant**

MCRC No. 6389 of 2025

Satish Pandey S/o Narendra Pandey Aged About 36 Years R/o Chakarbhata
Ward No. 14 Near Shiv Mandir Police Station Chakarbhata, Bilaspur District-
Bilaspur (C.G.) **---Applicant**

Versus

State Of Chhattisgarh Through- Station House Officer, Police Station- Ganj,
District- Raipur (C.G.) **... Non-applicant**

For Applicants	: Ms. Anushree Mishra Advocate.
For Non-applicant/State	: Mr. Sakib Khan, Panel Lawyer.

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

29.08.2025

1. The applicants have preferred this First Bail Application under Section

483 of the Bhartiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail, as they have been arrested in connection with Crime No. 145/2025, registered at Police Station : Ganj District – Raipur (C.G.) for the offence punishable under Section 20(B) of the N.D.P.S. Act.

2. As per the prosecution story is brief in that the Police Station Ganj Raipur was examined, which shows that on 03.06.2025, on receiving information from the informant, the police of Police Station Ganj, Raipur. recovered a red, blue and white plastic bag from the possession of applicant the incident site, Expressway Road, near old liquor shop, Ganj, Raipur. 02 kg 410 gram of ganja inside a green colored membrane kept in 03 packets in a bag of co-accused namely Mukesh Hirwani and 01 kg 640 gram of ganja inside a green colored membrane kept in 02 packets in a bag named Vimal Pan Masala in the possession of other co-accused namely Mukesh Hirwani, total weight 04 kg 50 gram of ganja were seized and investigation is being carried out and police station Ganj registered the FIR in crime no. 145/2025 in offence punishable under Section 20(B) of the NDPS Act.
3. Learned counsel for the applicants submits that the present applicants have been falsely implicated. He further submits that there is no exclusive possession of the alleged ganja, and the applicants have been falsely involved in this crime. It is further submitted that the applicants have no criminal antecedents and have been in jail since 03.06.2025. Hence, he prays for grant of regular bail to the applicants.
4. On the other hand, the learned State counsel opposes the bail application and also endorse the submissions made by the learned counsel for the applicant that the present applicants have no criminal

antecedents and submits that the charge-sheet has already been filed before the competent Court. He also submits that from the possession of the present applicants 4 Kg 50 gram ganja was seized, therefore, they are not entitled for grant of bail.

5. I have heard learned counsel for the parties and perused the case-diary.
6. Taking into consideration the facts and circumstances of the case, it is noted that the contraband article, i.e., 4 kg 50 grams of ganja, was recovered from the joint possession of the applicants, which is less than the commercial quantity, and that the applicants have no criminal antecedents. Also, considering the fact that the charge-sheet has been filed before the competent Court, and that the applicants have been in jail since 03.06.2025, and further that the conclusion of the trial may take some time, this Court is of the considered view that the applicants are entitled to be released on bail in this case.
7. Let applicants, **Mukesh Hirwani & Satish Pandey**, involved in Crime No. 145/2025, registered at Police Station : Ganj District – Raipur (C.G.) for the offence punishable under Section 20(B) of the N.D.P.S. Act, be released on bail on furnishing **personal bond** with **two local sureties** each in the like sum to the satisfaction of the Court concerned with the following conditions:-

- (i) The applicants shall file an undertaking to the effect that they 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 applicants shall remain present before the trial court on each date fixed, either personally or through their counsel. In case of their absence, without

sufficient cause, the trial court may proceed against them under Section 269 of Bharatiya Nyaya Sanhita.

(iii) In case, the applicants misuse the liberty of bail during trial and in order to secure their presence, proclamation under Section 84 of BNSS. is issued and the applicants fail to appear before the court on the date fixed in such proclamation, then, the trial court shall initiate proceedings against them, in accordance with law, under Section 209 of the Bharatiya Nyaya Sanhita.

(iv) The applicants 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 applicants are 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 them 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.

Sd/-

(Ramesh Sinha)
Chief Justice