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2026:CGHC:37545-DB

AFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPCR No. 306 of 2026

1 - Banwari Lal Gupta S/o Bachchu Prasad Aged About 35 Years R/o Village Pipraha, Police Station Rajendra Gram, Distt. Anuppur, M.P.

2 - Rohit Gupta S/o Kunj Bihari Aged About 25 Years R/o Village Pipraha, P.S. Rajendra Gram, Distt. Anuppur, M.P.

3 - Ankul Jaitwar S/o Late Babulal Aged About 24 Years R/o Village Ledhra, P.S. Rajendra Gram, Distt. Anuppur, M.P.

4 - Gopal Panadiya @ Gopi Panika S/o Late Gendlal Panadiya Aged About 28 Years R/o Village Basniha, P.S. Rajendra Gram, Distt. Anuppur, M.P.

... Petitioner(s)

versus

State of Chhattisgarh Through Station House Officer, Police Station Gourela, District Gourela Pendra Marwahi, Chhattisgarh.

... Respondent(s)

For Petitioner(s)	: Mr. Rajeev Kumar Dubey and Ms. Maya Chaturvijani, Advocates.
For Respondent(s)	: Mr. Shashank Thakur, Additional Advocate General

Hon'ble Mr. Ramesh Sinha, Chief Justice

Hon'ble Mr. Ravindra Kumar Agrawal, Judge

Order on Board

Per Ramesh Sinha, Chief Justice

21/08/2026

1 Heard Mr. Rajeev Kumar Dubey and Ms. Maya Chaturvijani, learned counsel for the petitioners as well as Mr. Shashank Thakur, learned Additional Advocate General for the State/respondent.

- 2 By this petition under Article 226 of the Constitution of India, the petitioner seeks for the following relief(s):

“10.1 That, this Hon'ble Court may kindly be pleased to issue a writ in the nature of mandamus quashing the impugned order dated 15.05.2026 (Annexure P/1) passed by the learned Special Judge (N.D.P.S. Act), Bilaspur, District Bilaspur (C.G.) in Special Session Case (NDPS) No. 13/2025, whereby the application under Section 94 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed by the petitioners was rejected;

10.2 That, this Hon'ble Court may kindly be pleased to issue a writ in the nature of mandamus directing the learned Trial Court to allow the petitioners' application dated 23.05.2025 (Annexure P/2) and thereby direct the respondent-State to produce before the learned Trial Court: (i) The complete, unedited CCTV footage from all functional installed at Police Station cameras Gourela-Gourela, District Pendra-Marwahi (C.G.) for the period starting from 00:00 hours on 13.09.2024 up to 23:59 hours on 15.09.2024; and (ii) The complete Cell Detail Records (CDR), including tower location data, for the mobile numbers of the petitioners as mentioned in the seizure memo in Crime No. 304/2024, for the entire 24-hour period of 14.09.2024.

10.3 That, this Hon'ble Court may kindly be pleased to direct the District Level Oversight Committee (DLOC), District Gaurela-Pendra-Marwahi, to submit a compliance report regarding the préservation of the aforesaid CCTV footage as mandated by the Hon'ble Supreme Court in "Paramvir Singh Saini vs. Baljit Singh".

10.4 Any other relief or direction which this Hon'ble Court may deem fit, just, and proper in the facts and circumstances of the case, be also awarded in favour of the petitioners.”

- 3 The facts, as projected by the petitioners are that the petitioners are in jail in connection with Crime No. 304/2024 registered at Police Station District Gourela, Gourela-Pendra-Marwahi for the offences punishable under Sections 20(b), 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short, the NDPS Act*) and section 111 of

Bharatiya Nyaya Sanhita, 2023 (*for short, the BNS*). At present, the trial is pending before the learned Special Judge (NDPS Act), Bilaspur, District - Bilaspur as Special Session Case (NDPS) No. 13/2025.

- 4 According to the prosecution, the petitioners were transporting Ganja in the seized vehicle. As per the prosecution story and the allegations levelled, the seized contraband was not kept in their vehicle and therefore, the presumption under Section 54 of the NDPS Act regarding possession of illicit articles does not apply. For this purpose, the petitioners themselves are required to establish that the illicit articles were not connected with them.
- 5 Mr. Rajeev Kumar Dubey, learned counsel for the petitioner submits that the constitutional validity of Section 54 and Section 35 of the NDPS Act, which embody the presumption regarding culpable mental state, was challenged in **Noor Aga v. State of Punjab** {(2008) 16 SCC 417} seeking a declaration that the provisions were unconstitutional. However, the Hon'ble Supreme Court declined to declare them unconstitutional, though it observed that the accused would have the right to establish illegal arrest and to demonstrate whether the principles laid down by the Hon'ble Supreme Court in **D.K. Basu v. State of West Bengal** {(2015) 8 SCC 744} regarding wrongful implication had been followed or not. Subsequently, in the electronic era, relying upon the principles laid down in **Safi Mohammad v. State of Himachal Pradesh** {(2018) 5 SCC 311} and **Paramveer Singh v. Baljit Singh**, {(2021) 1 SCC 184} the petitioners are required to discharge the burden cast upon them regarding the allegations made against them. The petitioners had not transported any narcotic substance from Odisha towards the place of occurrence. Merely on suspicion, they were detained at Police Station Gaurela on 14.09.2024 at such a place where their images could not be

captured in the CCTVs. The police personnel of Police Station, Gaurela had kept the accused persons in the old room/building situated on the left side near the main gate of the Police Station while entering the premises, where the installed CCTV cameras do not cover the area. However, the camera installed outside the Police Station and the camera fixed at the main entrance record all activities occurring in the Police Station premises and outside the so-called cyber cell room. Another proof that the accused persons were made to sit inside the Police Station on 14.09.2024 is that the seizure memo relating to the property seized from them also mentions their mobile numbers. Had the location data of the seized mobile phones been produced, it would have established that the accused persons had been detained in the police station one day prior to the alleged incident date. As per the judicial precedents laid down by the Hon'ble Supreme Court, CCTV cameras with separate power supply and 18 months storage capacity have been installed in every part of all Police Stations in the State. Even in earlier FIRs registered relating to narcotic offences, CCTV footage from the concerned Police Stations had been called for, but the same was deliberately not supplied. Since such documents were not in possession of the petitioners, the petitioners, on 23.05.2025, filed an application under Section 94 of Bharatiya Nagarik Suraksha Sanhita, 2023 (*for short, the BNSS*) before the learned Trial Court praying that upon filing of the application, directions be issued to the District Level Oversight Committee to preserve the CCTV footage installed in the concerned Police Station and all electronic records so that no alteration may be made in the condition of the cameras or the preserved electronic records. The CCTV footage installed in the Police Station is maintained by the DLOS Committee under the supervision of the Additional Superintendent of Police. Therefore, it was prayed that the

video recording of 36 hours from 12:00 midnight of 13.09.2024 till 12:00 midnight of 14.09.2024 and the complete 24-hour mobile location data of 14.09.2024 be produced, pertaining to the mobile numbers of the accused persons as mentioned in the seizure memo in Crime No. 304/2024. The Special Public Prosecutor, in reply to the application filed on behalf of the petitioners under Section 94 of BNSS, submitted that the accused persons had filed a frivolous and baseless application. It was stated that the charge-sheet had already been filed along with all relevant documents and photographs. It was further contended that firstly, it is a matter of inquiry whether the video recording and CCTV footage are still preserved in the Police Station or not. In such circumstances, it was prayed that the application under Section 94 of BNSS filed by the accused persons be rejected. The learned Trial Court held that upon perusal of the case record, it appeared that the present case arose out of the incident dated 15.09.2024 and was taken into cognizance for trial on the basis of the charge-sheet filed on 10.03.2025. After filing of the charge-sheet, framing of charges, and fixation of several dates for prosecution evidence, the accused persons for the first time filed the present application on 23.05.2025 seeking CCTV footage from the premises of Police Station, Gaurela, for the period from 12:00 midnight of 13.09.2024 till 12:00 midnight of 15.09.2024, totaling 36 hours, along with the complete 24-hour mobile location data of 14.09.2024. The learned Trial Court rejected the said application vide impugned order dated 15.05.2026 holding that a copy of the said application was forwarded to the Station House Officer, Police Station Gaurela, seeking a report. Pursuant thereto, a written report was received from the Office of the Station House Officer, Police Station Gaurela, District Gaurela-Pendra-Marwahi, stating that in Special Sessions Case No. 13/2025 and

Crime No. 304/2024 registered under Sections 20(B), 29 NDPS Act and Section 111 of BNS, titled *State vs. Banwari Lal Gupta & Others*, no prior directions had been received from the Court for preservation of CCTV footage from the Police Station premises, lock-up and vehicle seizure site cameras for the period from 13.09.2024 to 15.09.2024, and therefore the CCTV footage had not been preserved. It was further stated that the CDR of the mobile numbers of the arrested accused persons had been obtained, but since the same was not considered material evidence, it was not annexed with the charge-sheet; however, the same was being produced as per the Court's directions. The Police Station, Gaurela has already submitted the CDR of the mobile numbers of the arrested accused persons along with the aforesaid report, which has been taken on record in the case. From the report received as above, it was clear that the desired CCTV footage was never preserved, therefore, it is not possible to summon the same now. Accordingly, in view of the said report, the application filed by the petitioners/accused persons under Section 94 of BNSS seeking production of the desired CCTV footage was rejected.

- 6 Mr. Dubey further submits that the preservation of CCTV footage is essential to prevent spoliation of evidence, which could otherwise lead to a miscarriage of justice. In ***Sunita Shukla v. State of U.P.***, the Hon'ble Allahabad High Court directed the preservation and production of police station CCTV footage in an NDPS case where the petitioner alleged false implication, noting that such footage substantiates claims of illegal detention and fabricated charges. Failure to preserve it would violate the principles of natural justice and the petitioner's right to a fair trial under Article 21 of the Constitution. The impugned order dated 15.05.2026 proceeds on an erroneous interpretation of Section 94 of the BNSS,

2023. The learned Trial Court rejected the application principally on the SHO's report that the CCTV footage had not been preserved in the absence of any prior direction of the Court. Such reasoning overlooks the statutory power of the Court under Section 94(3) of the BNSS to require production of any document or thing, including electronic records, which may be necessary for the just decision of the case. The absence of an earlier preservation order cannot, therefore, defeat the petitioners' request for production of CCTV footage or CDRs where such material is relevant to their defence. Rejection of the application without calling for a report from the DLOC or examining the relevant CCTV records constitutes a material procedural irregularity. In ***Paramvir Singh Saini*** (*supra*), the Hon'ble Supreme Court entrusted the oversight committees with responsibility concerning the functioning, maintenance and recording of CCTV systems in police establishments. The learned Trial Court therefore, ought to have ascertained from the competent oversight authority whether the CCTV system was functional, the applicable storage protocol, and the circumstances in which the footage came to be unavailable, instead of mechanically relying upon the SHO's report. The finding that the CDR is not material evidence is erroneous, particularly in the context of proceedings under the NDPS Act, where statutory presumptions under Sections 35 and 54 operate against the accused. The CDR, including the mobile tower location of the petitioners on 14.09.2024, is directly relevant to their defence that they were present at Police Station Gourela prior to the alleged incident dated 15.09.2024 and were subjected to illegal detention. Such electronic evidence may materially assist the Court in determining the truth of the petitioners' defence. Denial of access to such relevant evidence also implicates their right to a fair trial under Article 21 of the Constitution. The petitioners

cannot be prejudiced by the prosecution's failure to preserve evidence which was within its exclusive custody and control. Where CCTV footage and CDR data are relevant to the defence, non-preservation thereof cannot be permitted to operate to the advantage of the prosecution or to the detriment of the accused. To permit such a consequence would undermine the requirement of a fair and level playing field in criminal proceedings and would materially impair the petitioners' right to lead an effective defence. The learned Trial Court further erred in treating the filing of the application after submission of the charge-sheet and framing of charges as a ground for rejection. The petitioners were in custody and did not have effective access to the complete case records necessary to identify the precise evidentiary relevance of the CCTV footage and CDR. The charge-sheet was filed on 10.03.2025, and the application was thereafter filed on 23.05.2025, after examination of the available records. No prejudice would be caused to the prosecution by production of the relevant electronic evidence, whereas its denial may seriously prejudice the petitioners' defence. The application, therefore, ought not to have been rejected on the ground of delay alone. The impugned order also overlooks the principle underlying *lex non cogit ad impossibilia*. The petitioners cannot reasonably be expected to establish their plea of illegal detention without access to the primary electronic evidence allegedly recording their presence and movement, which was within the control of the State agencies. Rejection of the application effectively places upon the petitioners an impossible burden and renders their defence substantially illusory. Unexplained non-preservation of CCTV footage, where such footage was capable of bearing upon the legality of detention and the conduct of the police, raises a serious concern regarding preservation of material evidence and the fairness of the investigation. In

Sekar v. Superintendent of Police, the importance of CCTV systems in police establishments for transparency, accountability and preservation of evidence in cases involving alleged violations of human rights, was reiterated. The failure to preserve such footage, therefore, warrants appropriate judicial scrutiny rather than being treated as a circumstance adverse to the accused. The importance of functional and properly maintained CCTV systems in police establishments has repeatedly been emphasized by the Hon'ble Supreme Court, including in proceedings concerning non-functional or inadequately maintained CCTV systems and the role of State and DLOS Committees. In these circumstances, the failure to preserve CCTV footage relevant to the petitioners' defence warrants judicial examination of compliance with the prescribed CCTV and oversight requirements. The impugned order, having accepted the alleged non-availability of the footage without such examination, calls for interference in exercise of the jurisdiction of this Hon'ble Court under Article 226 of the Constitution.

- 7 On the other hand, learned Additional Advocate General appearing for the State/respondents, opposing the petition, submits that the petition is misconceived and liable to be dismissed. The learned Trial Court, after considering the application preferred by the petitioners under Section 94 of the BNSS, has rightly declined to issue the directions sought by him. The investigation in Crime No.304/2024 has already been completed and the trial is presently in progress. The petitioners are essentially seeking to introduce a parallel investigation at the stage of trial by requiring the State to collect and produce CCTV footage and CDR/location details merely on the basis of his own assertion that such material would support his defence. The information and documents being made available by the SHO, P.S. Gaurela District Gaurela Pendra Marwahi specifically

reveals that on 23.05.2025 the petitioner No.1 namely Banwari Lal Gupta moved application under Section 94 of the BNSS before the learned Special Judge, NDPS, Bilaspur praying for issuance of direction to the concerned Police Station to produce the CCTV footage for the period covering 13.09.2024 to 15.09.2024 and CDR of the mobile numbers for 14.09.2024. Upon the said application moved by the petitioner No. 1 Banwari Lal Gupta, on 05.05.2026, the learned Special Judge directed the SHO, P.S. Gaurela to submit its report. In response to the said direction of the learned Special Judge, NDPS, Bilaspur, the Station House Officer, PS Gaurela promptly submitted its report dated 15.05.2026 before the learned Special Judge and as per the said report, the Station House Officer PS Gaurela expressed its inability to provide the desired information for the reason that the CCTV footage for the period from 13.09.2024 to 15.09.2024 was not available in the system as the same already stood deleted from the system after 18 months automatically. As per the directives issued on 26.12.2022, the CCTV footage is required to be stored for a period of 18 months and in the instant case, the petitioner No. 1 sought CCTV footage for the period from 13.09.2024 to 15.09.2024 by moving application on 23.05.2025 and learned Special Judge, NDPS, Bilaspur has issued direction on 05.05.2026 for submission of report to the Station House Officer, P.S. Gaurela beyond 18 months and therefore, no fault on the part of the said Station House Officer has been found.

- 8 Mr. Thakur further submits that the mere assertion of the petitioners that the footage, if available, would establish their innocence cannot furnish a ground for issuing a writ of mandamus for production of a record which is no longer available. As regards the CDRs and location details of the mobile phones, the petitioners have failed to demonstrate any

exceptional circumstance warranting interference by this Court under Article 226 of the Constitution, particularly when the relevance, admissibility and evidentiary value of such material can be considered by the learned Trial Court in accordance with law. The petitioners are at liberty to lead such defence evidence as may be legally permissible before the learned Trial Court, but cannot seek to invoke the extraordinary jurisdiction of this Court for conducting a roving and fishing inquiry into the prosecution case. The judgments relied upon by the petitioner regarding preservation of CCTV footage do not create an obligation upon the State to produce footage which is admittedly unavailable, nor do they warrant interference with an interlocutory order passed in the course of an ongoing trial. It is, therefore, submitted that the petition is devoid of merit and deserves to be dismissed.

- 9 We have considered the submissions advanced by learned counsel for the parties and perused the material available on record.
- 10 The short question which arises for consideration in the present petition is as to whether the learned trial Court was justified in rejecting the application preferred by the petitioners under Section 94 of the BNSS seeking production of CCTV footage of Police Station Gaurela for the period from 13.09.2024 to 15.09.2024 and the CDR/location details of the mobile numbers of the petitioners for 14.09.2024.
- 11 This Court, vide order dated 18.06.2026, directed the Chief Secretary of the State to file his personal affidavit with regard to compliance of the order of the Apex Court in ***Shafhi Mohammad v. State of Himachal Pradesh*** {(2018) 5 SCC 311} and ***Paramvir Singh Saini*** (supra) as to whether the Central Oversight Body (COB) has been constituted for monitoring the CCTV footage in all the Police Stations of the respective Districts of Chhattisgarh, or not.

12 In compliance of the above direction, the Chief Secretary filed its personal affidavit, the relevant portion of which reads as under:

"3. That, the present affidavit is being filed in compliance of the directions issued by this Hon'ble Court vide its order dated 18/06/2026.

4. That, the deponent most humbly submits that the Hon'ble Supreme Court in "Shafhi Mohammad Vs. State of Himachal Pradesh" reported in (2018) 5 SCC 311, vide is order dated 03/04/2018, was pleased to issue the following directions :-

"11. We direct that with a view to implement the Plan of Action prepared by the committee, a Central Oversight Body (COB) be set up by the MHA forthwith. The COB may issue directions from time to time. Suggestions of the Committee in its report may also be kept in mind. The COB will be responsible for further planning and implementation of use of videography. We direct the Central Government to give full support to the COB and place necessary funds at its disposal. We also direct that the COB may issue appropriate directions so as to ensure that use of videography becomes a reality in a phased manner and in first phase of implementation by 15/07/2018 crime scene videography must be introduced at least at some places as per viability and priority determined by the COB.

13. We may also refer to a connected issue already dealt with by this Court in D.K. Basu V. State of W.B. This court directed that with a view to check human rights abuse, CCTV cameras be installed in all police stations as well as in prisons. There is need for a further direction that in every State an oversight mechanism be created whereby independent committee can study the CCTV camera footages and periodically publish report of its observations. Let the COB issue appropriate instructions in this regard at the earliest. The COB may also compile information as to compliance of such instructions in the next three months and give a report to this court."

5. *It is submitted that thereafter, the Hon'ble Supreme Court in Paramavir Singh Saini Vs. Baljit Singh and others" reported in (2021) 1 SCC 184, vide its order dated 02/12/2020, issued detailed directions for installation of CCTVs in Police Stations and also for constitution of State Level Oversight Committee (hereinafter referred to as the SLOC) and District Level Oversight Committee (hereinafter referred to as the DLOC).*

6. *It is respectfully submitted that in compliance of the directions issued by the Hon'ble Supreme Court, the Government of India has already constituted a Central Oversight Body (COB). It is respectfully submitted that pursuant to the directions issued by the Department of Home, Government of India as well as the direction issued by the Chairperson, COB, an independent Committee titled as Oversight Mechanism has been constituted in the State of Chhattisgarh comprising of Additional Director General of Police (Admn), Additional Inspector General of Police (Planning, Management /Technical Services) and nominated persons by the Chief Executive Officer, CHIPS, Raipur vide order dated 05/11/2020. Copy of the order dated 05/11/2020 is filed herewith as Annexure A/1.*

7. *That, the deponent respectfully submits that pursuant to the direction dated 02/12/2020 issued by the Hon'ble Supreme Court in Paramvir Singh Saini Vs. Baljit Singh and others", Department of General Government of Administration, Chhattisgarh has constituted a 4 member State Level Oversight Committee (SLOC) and District Level Oversight Committee (DLOC). Copy of the order dated 18/01/2021 with respect to constitution of SLOC and DLOC in the State of Chhattisgarh is filed herewith as Annexure A/2.*

8. *That, the deponent respectfully submits that the Hon'ble Supreme Court on its own motion has registered a Suo Moto Writ Petition (Civil) No. 7/2025 titled as "In Re: Lack of Functional CCTVS in Police Stations wherein all the States and Union Territories are impleaded as party respondents. In the said case, the Hon'ble Supreme Court had directed the Amicus Curiae to conduct a meeting with respective*

stakeholders of the States and submit a report vide its order dated 28/04/2026. Pursuant to the said order dated 28/04/2026, the meeting was held on 06/05/2026 by the learned Amicus Curiae and thereafter, the matter was taken up by the Hon'ble Supreme Court on 13/05/2026 wherein the Hon'ble Supreme Court has fixed the case for 22/07/2026. Copy of the order-sheet dated 13/05/2026 is filed herewith as Annexure A/3."

- 13 Thereafter, this Court, again vide order dated 10.08.2026 directed the Chief Secretary of the State to ensure strict and effective implementation of the directions issued by the Hon'ble Supreme Court in **Shafhi Mohammad** (supra) and **Paramvir Singh Saini** (supra) through the Committees constituted for the said purpose. He was further directed to file his personal affidavit clearly disclosing the steps taken by the State Government and the concerned Committees to ensure compliance with the aforesaid directions, including the measures undertaken to ensure effective functioning, monitoring and preservation of CCTV footage in accordance with law. It was directed that the affidavit shall specifically indicate the responsibility fixed, if any, and the corrective measures proposed to prevent recurrence of such lapses. Further, having regard to the facts and circumstances of the case, the Director General of Police, State of Chhattisgarh, who is also part of the said Committee, was directed to file his personal affidavit specifically disclosing that despite the aforesaid directions and the existence of the oversight mechanism, particularly when such lapse has the potential to seriously prejudice the rights and interests of the person concerned, what steps have taken and the action initiated, if any, against the officer(s) concerned for the alleged non-compliance with the binding directions issued by the Hon'ble Supreme Court. The affidavit was also required to disclose whether any departmental inquiry or other disciplinary proceedings have been

initiated, the stage thereof, the responsibility fixed upon the officer(s) concerned, and the measures taken to ensure strict compliance with the aforesaid directions in future. The Director General of Police was further directed to explain the reasons for such non-compliance and indicate the remedial and preventive measures adopted so as to ensure that such lapse does not recur.

- 14 In compliance of the above direction, the Director General of Police, Chhattisgarh filed his personal affidavit, the relevant portion of which reads as under:

“4. That, in strict adherence and compliance with the order dated 10/08/2026 passed by the Hon'ble Court, the present affidavit is being filed by the deponent.

5. That the deponent most humbly submits that as per the directives issued by the Hon'ble Supreme Court in the matter of "Shafhi Mohammad Vs. State of Himachal Pradesh" reported in (2018) 5 SCC 311, vide is order dated 03/04/2018 and in the matter of "Paramavir Singh Saini Vs. Baljit Singh and others" reported in (2021) 1 SCC 184, vide its order dated 02/12/2020 and pursuant to the directions issued by the Department of Home, Government of India as well as the direction issued by the Chairperson, COB, an independent Committee titled as Oversight Mechanism has been constituted in the State of Chhattisgarh comprising of Additional Director General of Police (Admn), Additional Inspector General of Police (Planning, Management /Technical Services) and nominated persons by the Chief Executive Officer, CHIPS, Raipur.

6. That, the deponent respectfully submits that pursuant to the direction dated 02/12/2020 issued by the Hon'ble Supreme Court in Paramvir Singh Saini Vs. Baljit Singh and others", Department of General Administration, Government of Chhattisgarh has constituted a 4 member State Level Oversight Committee (SLOC) and District Level Oversight

Committee (DLOC). It is submitted that the said SLOC and DLOC are currently functioning in the State of Chhattisgarh.

7. That, the deponent respectfully submits that time to time, necessary instructions and directives in this regard have also been issued from the Police Headquarters, Chhattisgarh and one of the directives has been issued on 26/12/2022, copy of which is being filed herewith as Annexure A/1 for kind perusal of the Hon'ble Court. By way of the said directives, it has specifically been instructed to all the District Superintendent of Police of State of Chhattisgarh and Superintendent of Police Railway. Raipur that as per the directives of the Hon'ble Supreme Court, a provision should be made for CCTV surveillance with audio recording and adequate storage capacity for preservation of CCTV footage for a period of 18 months so as to ensure its availability whenever required for investigation or any other lawful purpose.

8. It is respectfully submitted that, after receipt of the order dated 10/08/2026 passed by the Hon'ble Court, the deponent has immediately acted upon it by issuing letter dated 11/08/2026 to the Superintendent of Police, District Gaurela Pendra Marwahi (CG.) directing him to make available the necessary information so as to ensure compliance of the order of the Hon'ble Court and further directed to take appropriate disciplinary action against the concerned officer / employee after examining the explanations to be sought from them. To demonstrate this fact, copy of the letter dated 11/08/2026 is being filed herewith as Annexure A/2.

9. That, the deponent respectfully submits that the information and documents being made available by the SHO, P.S. Gaurela District Gaurela Pendra Marwahi specifically reveals that on 23/05/2025 the applicant namely Banwari Lal Gupta moved application under Section 94 of the BNSS before the learned Special Judge, NDPS, Bilaspur praying for issuance of direction to the concerned Police Station to produce the CCTV footage for the period covering 13/09/2024 to 15/09/2024 and CDR of the mobile numbers for 14/09/2024. It is respectfully submitted that upon the said application

moved by the applicant Banwari Lal Gupta, on 05/05/2026 the learned Special Judge directed the SHO, P.S. Gaurela to submit its report. To demonstrate this fact, copy of the application dated 23/05/2025 under Section 94 of the BNSS submitted by the applicant Banwari Lal Gupta depicting issuance of direction to the SHO PS Gaurela for production of report is being filed herewith as Annexure A/3.

10. That, the deponent respectfully submits that in response to the said direction of the learned Special Judge, NDPS, Bilaspur, the Station House Officer, P.S. Gaurela promptly submitted its report dated 15/05/2026 before the learned Special Judge and copy of which is being filed herewith as Annexure A/4. In the said report, the Station House Officer P.S. Gaurela expressed its inability to provide the desired information for the reason that the CCTV footage for the period from 13/09/2024 to 15/09/2024 was not available in the system as the same already stood deleted from the system after 18 months automatically.

11. That, the deponent respectfully submits that pursuant to the direction dated 11/08/2026 the explanation has been sought from the Station House Officer, P.S. Gaurela and in response to which the explanation has been received from him and copy of which is being filed herewith as Annexure A/5.

12. That, the deponent respectfully submits that as per the directives issued on 26/12/2022, the CCTV footage is required to be stored for a period of 18 months and in the instant case, the applicant sought CCTV footage for the period from 13/09/2024 to 15/09/2024 by moving application on 23/05/2025 and learned Special Judge, NDPS, Bilaspur has issued direction on 05/05/2026 for submission of report to the Station House Officer, P.S. Gaurela beyond 18 months and therefore, no fault on the part of the said Station House Officer has been found.”

15 Since the Chief Secretary of the State could not file his personal affidavit, as such, on 18.08.2026, two days time was sought by the learned State

counsel for filing the same and the matter was directed to be listed today. The Chief Secretary has filed his personal affidavit on 20.08.2026, the relevant portion of which reads as under:

"3. That, the present affidavit is being filed in compliance of the directions issued by this Hon'ble Court vide its order dated 10/08/2026.

4. That, the deponent respectfully submits that pursuant to the direction dated 02/12/2020 issued by the Hon'ble Supreme Court in Paramvir Singh Saini Vs. Baljit Singh and others", Department of General Administration, Government Chhattisgarh has constituted a 4 member State Level Oversight Committee (SLOC) and District Level Oversight Committee (DLOC). In addition, an independent Committee titled as Oversight Mechanism has also been constituted.

5. That, taking serious cognizance of the observations made by this Hon'ble Court in the order dated 10/08/2026, the deponent has initiated immediate administrative interventions and corrective measures:

I. The deponent, in his capacity as the Chief Secretary, has issued a strict compliance directive dated 20/08/2026 to all members of the State Level Oversight Committee (SLOC) and all District Level Oversight Committees (DLOCs) across the State of Chhattisgarh.

II. By way of the said directive, all DLOCs have been mandated to conduct compulsory monthly inspection meetings, physically verify that CCTV systems retain footage for the full 18-month duration as directed by the Hon'ble Apex Court, ensure uninterrupted power backup, and submit mandatory monthly compliance reports to the SLOC by the 5th of every month. A copy of the Chief Secretary's directives dated 20/08/2026 is annexed herewith as Annexure A/1.

6. That it is respectfully submitted that to ensure modern, comprehensive, and robust CCTV coverage in strict compliance with the directives of the Hon'ble Supreme Court

in Suo Moto Writ Petition (Civil) No. 7/2025 ("In Re: Lack of Functional CCTVs in Police Stations"), the State Government submitted a dedicated Action Plan under the scheme of Assistance to States & UTs for Modernisation of Police (ASUMP), for FY 2026-27 to the Ministry of Home Affairs, Government of India. Pursuant thereto, in the High-Powered Committee (HPC) meeting held on 17.07.2026 the Central Government has considered a project outlay of Rs. 102.10 Crore (approx. Rs. 102 Crore) for the installation and complete infrastructure upgrade of CCTV cameras across 550 Police Stations, along with 31 District Dashboards, 1 State Centralized Dashboard at PHQ. A copy of the Minutes of the HPC Meeting dated 17.07.2026 (issued vide letter dated 23.07.2026) is annexed herewith as Annexure A/2."

- 16 It is not in dispute that the criminal case against the petitioners arises out of Crime No.304/2024 registered at Police Station, Gaurela for the offences punishable under Sections 20(b) and 29 of the NDPS Act and Section 111 of the BNS. The charge-sheet has already been filed, cognizance has been taken and the case is presently pending before the learned Special Judge (NDPS Act), Bilaspur. The application under Section 94 of the BNSS was filed after commencement of the trial. Section 94 of the BNSS empowers the Court to require the production of a document or other thing which it considers necessary or desirable for the purposes of any investigation, inquiry, trial or other proceeding under the BNSS. The power is undoubtedly wide and is intended to facilitate a fair and effective adjudication. However, the existence of such power does not mean that the Court is required to issue a direction for production of every document or electronic record merely because an accused asserts that the same may be favourable to his defence. The exercise of the power necessarily depends upon the existence or availability of the material sought and its demonstrated relevance to the

proceedings.

- 17 From the materials available on record, it is evident that the CCTV footage for the period from 13.09.2024 to 15.09.2024 is not available in the system as the same already stood deleted from the system after 18 months automatically. We also find no substance in the contention that the learned Trial Court mechanically rejected the application solely on the report of the Station House Officer. The order under challenge was passed after the learned Trial Court called for a report regarding the availability of the CCTV footage. The report indicated that the footage was not available. Therefore, the material now available before us does not demonstrate that the impugned order suffers from such perversity or jurisdictional error as would warrant interference under Article 226 of the Constitution.
- 18 So far as the CDRs and tower location details are concerned, the position is materially different. The report of the Police Station itself indicates that the CDRs of the mobile numbers of the petitioners had been obtained and the same have subsequently been placed before the learned Trial Court and taken on record. Thus, the grievance of the petitioners to the extent that the CDRs were not available or were being withheld no longer survives. The petitioners may, if so advised, rely upon the said CDRs in support of their defence and may seek their examination, proof or consideration in accordance with the provisions of law governing admissibility and appreciation of electronic evidence. The relevance and evidentiary value of any particular electronic record have to be assessed with reference to the facts proved during trial and the statutory requirements governing the offence. The existence of a statutory presumption does not dispense with the ordinary requirement that the defence evidence relied upon by the accused must be proved

and appreciated in accordance with law.

- 19 In the present case, the petitioners have already been supplied with the material forming part of the prosecution record and the CDRs are also stated to have been placed on record. The petitioners are free to avail all remedies and opportunities available to them during trial. No material has been demonstrated before us to establish that the learned Trial Court has denied them a legally available opportunity to defend themselves. It is also significant that the impugned order is an interlocutory order passed during the pendency of the criminal trial. The extraordinary jurisdiction under Article 226 of the Constitution is undoubtedly wide, but the same is exercised with restraint, particularly when the criminal proceedings are pending before a competent Court and the grievance relates to an evidentiary/interlocutory order passed in the course of such proceedings. The supervisory or writ jurisdiction cannot ordinarily be converted into a mechanism for conducting a parallel inquiry into the prosecution case or for substituting the discretion of the Trial Court on matters which can effectively be dealt with during trial. Interference would be justified where the order under challenge is without jurisdiction, manifestly arbitrary, perverse or results in a failure of justice. In the facts of the present case, none of these circumstances has been established.
- 20 We therefore find that the learned Trial Court committed no jurisdictional error in declining to issue a direction for production of CCTV footage which, on the material placed before it, was not available. The petitioners have also failed to demonstrate any legally sustainable ground for directing a further or parallel inquiry by this Court regarding the alleged non-preservation of the footage, particularly when the evidentiary consequences, if any, of the non-availability of such material can be urged before the learned Trial Court at the appropriate stage.

- 21 Needless to observe, we have not expressed any opinion on the merits of the prosecution case or on the defence of the petitioners regarding their alleged detention at Police Station Gaurela on 14.09.2024. The learned Trial Court shall consider the prosecution as well as defence evidence independently and strictly in accordance with law, without being influenced by any observation made in the present order touching upon the evidentiary value of the material.
- 22 For the foregoing reasons, we are of the considered opinion that the petitioners have failed to make out any ground warranting interference with the impugned order dated 15.05.2026 passed by the learned Special Judge and as such, the writ petition is **dismissed**. No order as to costs.
- 23 Before parting with the matter, this Court deems it appropriate to observe that the directions issued by the Hon'ble Supreme Court in ***Shafhi Mohammad*** (supra), ***Paramvir Singh Saini*** (supra) and *Suo Moto Writ Petition (Civil) No. 7/2025, In Re: Lack of Functional CCTVs in Police Stations* (supra), concerning installation, functioning, maintenance, monitoring and preservation of CCTV systems in Police Stations, are intended to secure greater transparency and accountability in the functioning of the police machinery and to safeguard the rights of persons who come into contact with the criminal justice system. The said directions, being issued by the Hon'ble Supreme Court in exercise of its constitutional jurisdiction, are binding and are required to be implemented in their true letter and spirit. This Court, therefore, hopes and trusts that the State of Chhattisgarh, through the concerned authorities and the oversight committees constituted for the said purpose, shall ensure strict, effective and continuous compliance with the aforesaid directions of the Hon'ble Apex Court. It is further expected that

the State authorities shall ensure that CCTV systems installed in all Police Stations remain functional at all times, are subjected to regular inspection and monitoring, have adequate power backup and storage capacity, and that the CCTV footage is preserved for the period prescribed in accordance with law, so that relevant electronic evidence is not lost on account of administrative or technical lapses. The State shall also ensure that the oversight mechanism constituted pursuant to the aforesaid judgments functions effectively and not merely as a matter of form, and that responsibility is duly fixed wherever any lapse or non-compliance is noticed. Such measures would not only advance the object underlying the directions of the Hon'ble Supreme Court but would also strengthen public confidence in the fairness, transparency and accountability of the criminal justice administration.

- 24 A copy of this order be sent to the Chief Secretary and the Director General of Police, State of Chhattisgarh, who shall ensure that the same is duly circulated to all the authorities concerned, for information and necessary compliance, if any.

Sd/-
(Ravindra Kumar Agrawal)
JUDGE

Sd/-
(Ramesh Sinha)
CHIEF JUSTICE