

**IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA**

**Cr.MPM No.850 of 2026  
Date of Decision: 8.7.2026**

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**Karan**

**.....Petitioner**

**Versus**

**State of Himachal Pradesh**

**.....Respondent**

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**Coram**

**Hon'ble Mr. Justice Sandeep Sharma, Judge.**

**Whether approved for reporting?**

**For the Petitioner:** Mr. H.S. Rangra, Advocate

**For the Respondent:** Mr. Rajan Kahol & Mr. Vishal Panwar, Additional Advocates General and Mr. Ravi Chauhan & Mr. Anish Banshtu, Deputy Advocates General, for the State.

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**Sandeep Sharma, J.** *(Oral)*

Bail petitioner namely Karan, who is behind the bars since 19.4.2026, has approached this Court in the instant proceedings filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, for grant of regular bail, in case FIR No. 43 of 2026 dated 19.4.2026, registered at Police Station Dhanotu, District Mandi, Himachal Pradesh, under Section 20 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short "NDPS").

**2.** Pursuant to orders dated 15.5.2026 and 17.6.2026, passed by this Court, respondent-State has filed status report and ASI Shyam Lal,

Police Station Dhanotu, District Mandi, Himachal Pradesh, has come present with record. Record perused and returned.

**3.** Close scrutiny of record/status report reveals that on 19.4.2026, police party, which had laid Naka on Mandi Sundernagar Four Lane at Tarot, stopped one HRTC bus bearing registration No. HP03B6144, which was heading from Manali to Shimla, for checking. Since person sitting at seat No. 46 after having seen the police got perplexed and attempted to throw out something from his bag, police deemed it necessary to cause his search and accordingly, after having associated independent witnesses, caused his personal search and recovered 124 grams of charas. Since no plausible explanation ever came to be rendered on record by the bail petitioner qua the possession of the aforesaid intermediate quantity of contraband, police after having completed necessary codal formalities lodged FIR detailed herein above and since then, he is behind bars. Since investigation in the case is complete and nothing remains to be recovered from the bail petitioner, he has approached this Court in the instant proceedings for grant of regular bail.

**4.** Mr. H.S. Rangra, Advocate, learned counsel for the petitioner, states that bail petitioner has been falsely implicated because nothing was recovered from the seat occupied by him in the bus. He submits that bail petitioner has already suffered for more than 2 ½ months without any fault of him and as such, this Court taking note of the fact that contraband is of

intermediate quantity, as a result of which, rigors of Section 37 of the Act are not attracted, may proceed to grant bail during the pendency of the trial, conclusion whereof shall take some considerable time.

**5.** While fairly acknowledging factum with regard to filing of challan in the competent court of law, Mr. Rajan Kahol, learned Additional Advocate General, states that though nothing remains to be recovered from the bail petitioner, but keeping in view the gravity of offence alleged to have been committed by him, he does not deserve any leniency, rather needs to be dealt with in accordance with law. Mr. Kahol, submits that past conduct of the petitioner clearly reveals that he is a drug peddler and in the event of being enlarged on bail, he may not only flee from justice, but may again indulge in these activities.

**6.** Having heard learned counsel for the parties and perused material available on record, this Court is not persuaded to agree with learned counsel for the petitioner that bail petitioner has been falsely implicated, rather this Court finds that intermediate quantity of charas came to be recovered from the conscious possession of the bail petitioner in the presence of the independent witnesses. However, having taken note of the fact that bail petitioner is behind bars for more than two and half months and till date, charge has not been framed by the court below, coupled with the fact that rigours of Section 37 of the Act are not attracted

on account of recovery of intermediate quantity of contraband, this Court is persuaded to consider the prayer made by the petitioner for grant of bail.

**7.** No doubt, one case under the NDPS Act stands registered against the petitioner in the past, but such fact may not be sufficient to conclude that bail petitioner is a drug peddler, rather taking note of the quantity of contraband as well as status report, petitioner appears to be a drug addict and as such, he is required to be provided immediate medical assistance. No fruitful purpose would be served by keeping him behind bars during trial, rather he needs to be taken to some rehabilitation centre for treatment so that he is brought back to mainstream at the earliest.

**8.** Hon'ble Apex Court as well as this Court in catena of cases have repeatedly held that one is deemed to be innocent till the time guilt, if any, of his/her is not proved in accordance with law. Apprehension expressed by the learned Additional Advocate General that in the event of bail petitioner's being enlarged on bail, he may flee from justice, can be best met by putting him to stringent conditions as has been fairly stated by the learned counsel for the petitioner.

**9.** Though aforesaid aspects of the matter are to be decided by the learned trial Court on the basis of evidence adduced on record by the prosecution, but taking note of the aforesaid glaring aspect of the matter, this court sees no reason to let the bail petitioner incarcerate in jail for an

indefinite period during trial, especially when their guilt is yet to be established.

**10.** Needless to say, object of the bail is to secure the attendance of the accused in the trial and the proper test to be applied in the solution of the question whether bail should be granted or refused is whether it is probable that the party will appear to take his trial. Otherwise, bail is not to be withheld as a punishment. Otherwise also, normal rule is of bail and not jail. Court has to keep in mind nature of accusations, nature of evidence in support thereof, severity of the punishment which conviction will entail, character of the accused, circumstances which are peculiar to the accused involved in that crime.

**11.** Hon'ble Apex Court in Criminal Appeal No. 227/2018, **Dataram Singh vs. State of Uttar Pradesh & Anr** decided on 6.2.2018 has held that freedom of an individual cannot be curtailed for indefinite period, especially when his/her guilt is yet to be proved. It has been further held by the Hon'ble Apex Court in the aforesaid judgment that a person is believed to be innocent until found guilty.

**12.** Hon'ble Apex Court in **Sanjay Chandra versus Central Bureau of Investigation (2012)1 Supreme Court Cases 49** has held that gravity alone cannot be a decisive ground to deny bail, rather competing factors are required to be balanced by the court while exercising its discretion. It has been repeatedly held by the Hon'ble Apex Court that object of bail is to

secure the appearance of the accused person at his trial by reasonable amount of bail. The object of bail is neither punitive nor preventative.

**13.** In **Manoranjana Sinh alias Gupta versus CBI, (2017) 5 SCC 218**, Hon'ble Apex Court has held that the object of the bail is to secure the attendance of the accused in the trial and the proper test to be applied in the solution of the question whether bail should be granted or refused is whether it is probable that the party will appear to take his trial. Otherwise also, normal rule is of bail and not jail. Apart from above, Court has to keep in mind nature of accusations, nature of evidence in support thereof, severity of the punishment, which conviction will entail, character of the accused, circumstances which are peculiar to the accused involved in that crime.

**14.** The Apex Court in **Prasanta Kumar Sarkar versus Ashis Chatterjee and another (2010) 14 SCC 496**, has laid down various principles to be kept in mind, while deciding petition for bail viz. prima facie case, nature and gravity of accusation, punishment involved, apprehension of repetition of offence and witnesses being influenced.

**15.** In view of the aforesaid discussion as well as law laid down by the Hon'ble Apex Court, bail petitioner has carved out a case for grant of bail. Accordingly, the petition is allowed and the petitioner is ordered to be enlarged on bail in aforesaid FIR, subject to his furnishing personal bond in the sum of Rs. 1,00,000/- with two sureties of the like amount to the

satisfaction of concerned Chief Judicial Magistrate/trial Court, with following conditions:

- (a) He shall make himself available for the purpose of interrogation, if so required and regularly attend the trial Court on each and every date of hearing and if prevented by any reason to do so, seek exemption from appearance by filing appropriate application;
- (b) He shall not tamper with the prosecution evidence nor hamper the investigation of the case in any manner whatsoever;
- (c) He shall not make any inducement, threat or promises to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or the Police Officer; and
- (d) He shall not leave the territory of India without the prior permission of the Court.

**16.** It is clarified that if the petitioner misuses the liberty or violates any of the conditions imposed upon him, the investigating agency shall be free to move this Court for cancellation of the bail.

**17.** Any observations made hereinabove shall not be construed to be a reflection on the merits of the case and shall remain confined to the disposal of this application alone. The petition stands accordingly disposed of.

**18.** The bail petitioner is permitted to produce copy of the order downloaded from the High Court Website and the trial court shall not insist for certified copy of the order, however, it may verify the order from the High Court website or otherwise.

**July 8, 2026**  
(manjit)

**(Sandeep Sharma),**  
**Judge**