

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA.

Cr.MP (M) No. : 2981 of 2025

Reserved on : 29.12.2025

Decided on : 31.12.2025

Amarjeet Kaur

...Applicant

Versus

State of Himachal Pradesh

...Respondent

Coram

The Hon'ble Mr. Justice Virender Singh, Judge.

Whether approved for reporting?¹

For the applicant : Mr. Rakesh Chauhan and Mr.
Pranav Sharma, Advocates.

For the respondent : Mr. Mohinder Zharaick, Additional
Advocate General, with Ms. Avni
Kochhar, Deputy Advocate General,
assisted by HC Ajay Kumar No. 20,
Police Station Nalagarh, Police
District Baddi, District Solan, H.P.

Virender Singh, Judge

Applicant-Amarjeet Kaur has filed the present application, under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as the 'BNSS'), with a prayer to release her on bail, during the pendency of trial, arising out of **FIR No. 360 of 2025**,

¹ *Whether Reporters of local papers may be allowed to see the judgment? Yes.*

dated 22.11.2025, under Sections 18 & 20 of the Narcotic Drugs and Psychotropic Substances Act, (hereinafter referred to as the 'ND&PS Act'), **registered with Police Station Nalagarh, Police District Baddi,** District Solan, H.P.

2. According to the applicant, she is innocent person and has falsely been implicated in the present case, at the instance of the police. According to her, she has no concern with the crime in question.

3. The investigation, in the present case, is stated to be complete.

4. The applicant has earlier tried her luck by moving bail application, before learned Special Judge, Nalagarh, District Solan, H.P., however, her application has been dismissed, vide order dated 12.12.2025.

5. Apart from the above facts, the applicant has also pleaded that FIR No. 12 of 2024, dated 17.01.2024, under Section 21 of ND&PS Act, has already been registered against her with Police Station Nalagarh and the said case is still pending.

6. On the basis of the above facts, Mr. Rakesh Chauhan & Mr. Pranav Sharma, learned counsel appearing for the applicant, have given certain undertakings, to which, the applicant is ready to abide by, in case, the applicant is ordered to be released on bail, during the pendency of the trial.

7. When put to notice, the police has filed the status report, disclosing therein, that on 22.11.2025, ASI Puneet Kumar, In-charge Police Post Joghon, along with other police officials was on the duty to detect the crime relating to excise and was present near BSNL Office on Court road Una. At about 9:20 am, he received an information that Amarjeet Kaur wife of late Sh. Ranjeet Singh, resident of Ward No. 2 Nalagarh, Tehsil Nalagarh, District Solan, H.P. (applicant), has concealed the narcotic drugs i.e. charas and opium, in her flat and she is indulged in the business of selling the same.

7.1 The said information was found to be authentic and reliable and as per the information, in case said flat is raided at once, then, large quantity of charas and opium could be recovered. As per the information, in case of

delay, as well as, obtaining the search warrants, in that eventuality, the contraband could be removed, as such, ASI Puneet Kumar proceeded towards the spot by submitting the information under Section 42(2) of ND&PS Act to SDPO Nalagarh.

7.2 Thereafter, at about 9:47 am, when they reached near the BSNL Office, then one person was found there, who disclosed his name as Rahul Khan. The said person was apprised about the secret information and associated in the raiding party.

7.3 Thereafter, at about 9:55 am, they reached at the residential flat of Amarjeet Kaur (applicant). The door was knocked, upon which, one lady opened the door, who on enquiry, disclosed her name as Amarjeet Kaur (applicant). The I.O. apprised her about the secret information and thereafter, raiding party had given their personal search before search of the flat and nothing incriminating was found.

7.4 During the search of room of Amarjeet Kaur (applicant), from the fridge (make LG), khakhi open envelope was found, which, on opening, was found to be

containing black and brown coloured stick shaped substance, having wrappers on it and two other envelopes containing black and brown coloured substance were found. Amarjeet Kaur (applicant) disclosed the said substance as opium and charas. On the basis of experience also, the same was found to be charas and opium. On weighment, the charas was found to be 243.93 gram and opium was found to be 86.63 grams.

7.5 Other codal formalities were completed and contraband was taken into possession and accused was arrested. The contraband was sent to SFSL Junga, after producing the same before the Court, where the inventory proceedings were got conducted. Positive report was received from SFSL Junga.

7.6 As per the status report, the investigation is complete and only charge-sheet is to be filed.

7.7 Apart from this, registration of FIR No. 12/2024, dated 17.01.2024, has also been highlighted to demonstrate the criminal history of the applicant.

8. On the basis of above facts, a prayer has been made to dismiss the application.

9. Heard.

10. The contraband allegedly recovered in the present case, does not fall, within the definition of the 'commercial quantity', as such, rigors of Section 37 of ND&PS Act are not applicable, in the present case.

11. Once, it has been held that the rigors of Section 37 of the ND&PS Act are not applicable, in that eventuality, the presumption of innocence is still available to the applicant, as the bail application cannot be rejected merely as a matter of punishment, since, pre-trial punishment is prohibited under the law.

12. In the present case, investigation is complete and only charge-sheet is to be filed, in the competent Court of law. This fact is sufficient to demonstrate that the custodial interrogation of the applicant is no longer required by the police.

13. Even otherwise, the bail application cannot be rejected, as a matter of punishment, as, the punishment can only be inflicted, after the conclusion of trial and in the present case, the chances of commencement and conclusion of trial against the applicant, in near future, are

not so bright. As such, she cannot be kept in judicial custody, that too, for the indefinite period.

14. So far as the registration of another criminal case against the applicant, is concerned, admittedly, she has not been convicted by the competent Court of Law. Moreover, the status report is totally silent about the fact whether any effort has been made by the police to get the bail granted to the applicant in the said case, by the competent Court of Law, cancelled.

15. The applicant is permanent resident of District Solan, as such, it cannot be apprehended that in case, she is ordered to be released on bail, she may not be available for the trial.

16. Considering all these facts, this Court is of the view that the bail application is liable to be allowed and is accordingly allowed.

17. Consequently, the applicant is ordered to be released, on bail, during the pendency of trial, arising out of **FIR No. 360 of 2025, dated 22.11.2025, under Sections 18 & 20 of the ND&PS Act**, registered with **Police Station Nalagarh, Police District Baddi**, District

Solan, H.P., on her furnishing personal bonds in the sum of Rs.50,000/-, with one surety of the like amount, to the satisfaction of the learned trial Court.

18. This order, however, shall be subject to the following conditions:-

“a) The applicant shall 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 the appropriate application;

b) The applicant shall not tamper with the prosecution evidence nor hamper the investigation of the case in any manner whatsoever;

c) The applicant shall not make any inducement, threat or promises to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or the Police Officer, and

d) The applicant shall not leave the territory of India without the prior permission of the Court.”

19. Any of the observations, made hereinabove, shall not be taken as an expression of opinion, on the merits of the case, as these observations, are confined, only, to the disposal of the present bail application.

20. It is made clear that the respondent-State is at liberty to move an appropriate application, in case, any of the bail conditions, is found to be violated by the applicant.

21. The Registry is directed to forward a soft copy of the bail order to the Superintendent of Jail, Sub Jail Kishanpura, Baddi, through e-mail, with a direction to enter the date of grant of bail in the e-prison software.

22. In case, the applicant is not released within a period of seven days from the date of grant of bail, the Superintendent of Jail, Sub Jail Kishanpura, Baddi, is directed to inform this fact to the Secretary, DLSA, Solan, H.P. The Superintendent of Jail, Sub Jail Kishanpura, Baddi, is further directed that if the applicant fails to furnish the bail bonds, as per the order passed by this Court, within a period of one month from today, then, the said fact be submitted to this Court.

(Virender Singh)
Judge

31st December, 2025

(Pramod Kumar)

RAJNI Digitally signed
by RAJNI
Date: 2025.12.31
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