

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Cr.MP No. 1647 of 2026 in Cr. Appeal No. 614 of 2023

Decided on: 16.9.2026

Desh Raj		...Appellant/Applicant.
	Versus	
State of H.P.		...Respondent.

Corum

Hon'ble Mr. Justice Vivek Singh Thakur, Judge.

Hon'ble Mr. Justice Bhupesh Sharma, Judge.

Whether approved for reporting?¹

For the Applicant. Ms.Kanika Verma, Advocate, vice Mr.Rajesh Verma, Advocate.

For the Respondent: Ms.Sharmila Patiyl, Additional Advocate General.

Vivek Singh Thakur, Judge

This application has been filed by applicant/appellant for suspension of sentence, which has been awarded to him vide judgment/order dated 4.11.2023/16.11.2023 passed by Special Judge-II, Mandi, District Mandi, H.P. in case CIS Reg. No. 127 of 2021, titled as State of H.P. Vs. Desh Raj and others in case FIR No. 39 of 2021, dated 23.3.2021, under Section 20 (b)(ii)(C) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (herein after referred to the 'NDPS'

¹***Whether the reporters of the local papers may be allowed to see the Judgment? Yes***

Act) in Police Station Karsog, District Mandi, H.P., whereby applicant/appellant has been sentenced to undergo rigorous imprisonment of 20 years and to pay fine of ₹2,00,000/- and in default of payment of fine to further undergo 2 years simple imprisonment, on the ground that there is fair chance of acquittal of the applicant.

2. It has been submitted by learned counsel for the applicant/appellant that independent witnesses were associated after apprehending the accused and no efforts were made by the Investigating Officer for search of two other persons, who had fled away from the spot and it is not on record that how Investigating Officer came to know about mobile number of Pradhan and the Trial Court has failed to appreciate the fact that independent witnesses had resiled from their previous statements and there is non compliance of provisions of Section 52 of the NDPS Act.

3. We have gone through the record and the impugned judgment and we have found that there was no occasion for associating independent witnesses prior to apprehending the accused, as suspicion arose after apprehending the accused in the given facts and circumstances of the case, which has been rightly appreciated by the Trial Court in detail by discussing the evidence on record and nothing has been brought in our notice to point out any material illegality or irregularity in appreciating the evidence, at least for the purpose of suspension of sentence.

4. Objection with regard to non compliance of Section 52A of the NDPS Act, though has to be considered on merits at the time of final hearing, however, in view of latest order dated 21st July, 2026, passed by the Apex Court in ***Cr. Appeal Nos. 3305-3306 of 2026***, titled as ***Mehboob Shah Vs. State of Madhya Pradesh***, this plea is also of no help to the applicant at this stage for suspension of sentence.

5. Any expression of opinion given in this order does not mean an expression of opinion on the merits of the case and the same has been given only for the purpose of deciding present application.

The application is dismissed in aforesaid terms, being devoid of merits.

(Vivek Singh Thakur),
Judge.

(Bhupesh Sharma),
Judge.

16th September, 2026
(Keshav)