

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Cr.WP No.56 of 2026
Decided on: 07th August, 2026

Raj Kumar @ Sethi

....Petitioner

Versus

The State of Himachal Pradesh & others

...Respondents

Coram

Hon'ble Mr. Justice G.S. Sandhawalia, Chief Justice.

Hon'ble Mr. Justice Jiya Lal Bhardwaj, Judge.

*Whether approved for reporting?*¹

For the petitioner:

Mr. Rahul Kumar, Advocate [through video conferencing] and Ms. Shivani, Advocate.

For the respondents:

Mr. Anup Rattan, Advocate General, with Mr. Arsh Rattan, Deputy Advocate General.

G.S. Sandhawalia, Chief Justice (Oral)

The petitioner by the present petition challenges the detention order dated 17.02.2026 (Annexure P-1), which has been passed against him on account of the fact that he was involved in five FIRs. The further challenge is raised to the extension of detention for a period of three months under Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances Act (for short "PIT NDPS Act"), vide order dated 16.05.2026 (Annexure R-3/4), on account of the

¹ *Whether reporters of Local Papers may be allowed to see the judgment?*

opinion given by the State Advisory Board dated 01.05.2026. The details of the FIRs registered against the petitioner are as under:-

- i. In FIR No. 79/2019, dated 30.07.2019, registered at Police Station Division No. 2, Pathankot, Punjab, under Sections 21 and 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985, approximately 4.50 grams of heroin/chitta was recovered from him;
- ii. In FIR No. 125/2019, dated 04.10.2019, registered at Police Station Indora, Police District Nurpur, Himachal Pradesh, under Sections 21 and 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985, approximately 6.12 grams of heroin/chitta and 22.50 grams of narcotic powder were recovered from him;
- iii. In FIR No. 128/2020, dated 03.05.2020, registered at Police Station Damtal, Police District Nurpur, Himachal Pradesh, under Sections 21, 22 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, approximately 6.12 grams of heroin/chitta and 1500 narcotic capsules were recovered;
- iv. In FIR No. 120/2024, dated 13.10.2024, registered at Police Station Damtal, Police District Nurpur, Himachal Pradesh, under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985, approximately 24.2 grams of heroin/chitta was recovered from him;
- v. In FIR No. 127/2024, dated 27.10.2024, registered at Police Station Damtal, Police District Nurpur, Himachal Pradesh, under Sections 21, 29 and 27-A of the Narcotic Drugs and Psychotropic Substances Act, 1985, approximately 262 grams of heroin/chitta was recovered from him.

2. Learned counsel for the petitioner has tried to convince us on the ground that the last FIR was lodged against the petitioner on 27.10.2024 and therefore, the detention order passed thereafter on

17.02.2026, as such, suffers from the defect of a proximate live link. It is thus submitted that the reasoning given in the detention order is arbitrary and he has been prejudiced as such.

3. The State, on the other hand, has brought to our notice that it is not only the petitioner but even his close family members, including his wife Alka, brother Rakesh Kumar and sister-in-law Sanjana @ Rita i.e. wife of Rakesh Kumar, who are also involved in various cases under the NDPS Act, in areas which fall under the jurisdiction of Police Station Damtal, Nurpur and Indora. It is accordingly submitted that the whole purpose is to ensure that there is no illicit trafficking of Narcotic Drugs and Psychotropic Substances. It is pointed out that the last FIR was registered on 27.10.2024 and he was only released on 22.11.2025 vide Annexure P-3 and thereafter the detention order has been passed expeditiously on account of the recommendation, which has been given by the Superintendent of Police, District Nurpur, Himachal Pradesh and duly forwarded by the Director General of Police on 23.01.2026.

4. We have gone through the paper book and are of the considered opinion that the petitioner cannot, as such, take a plea that there is no basis for his detention. It has also been, during the course of arguments, admitted that in the first FIR, he has also been

convicted, which is registered not in the State of Himachal Pradesh, but at Pathankot, Punjab. The other FIRs have been consistently lodged from the year 2019 onwards, and even in the last FIR dated 27.10.2024, he was only arrested on 30.04.2025, only on account of the fact that there was a disclosure statement.

5. From the order dated 17.11.2025 (Annexure P-3) granting bail to the petitioner Counsel for the State has also pointed out that the State had been brought to the notice of the learned Single Judge that there were allegations that there were a huge dealings of drug money. During the investigation, it was found that there was a resident of Dubai, who was also involved in the said process and the investigation has shown that more than Rupees Three Crores, in cash had been collected from Lakhwinder Singh and petitioner's son-in-law Vishal Kumar was also involved.

6. In the overall circumstances, we are of the considered opinion that the order of detention does not suffer from any arbitrariness and apparently is based on the fact that if the petitioner's detention is not done, he would remain involved in the illicit trafficking of Narcotic Drugs and Psychotropic Substances and therefore his consistent involvement and disregard for the law had been kept in mind while passing the detention order, which also goes

on to show that there is a family syndicate, which is in place and the assistance of family members is also taken for storage, transportation and distribution of the Narcotic Drugs and Psychotropic Substances.

7. In such circumstances, we are not inclined to interfere with the order passed by the authorities and the petition is accordingly dismissed. Pending applications, if any, also stand disposed of.

(G.S. Sandhawalia)
Chief Justice

07th August, 2026
(Anurag)

(Jiya Lal Bhardwaj)
Judge