

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

**Cr.MP(M) No.1832 of 2026**

**Date of Decision: 25.9.2026**

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**Manoj Kumar**

**.....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. Rakesh Kumar Chaudhary, Advocate.

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

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

Sequel to order dated 16.09.2026, whereby the petitioner was ordered to be enlarged on interim bail in case FIR No. 58 of 2025, dated 30.08.2025, registered at Police Station Kunihar, District Solan, Himachal Pradesh, under Section 20 of the NDPS Act, respondent-State has filed the status report and HC Prakash, has come present with record. Record perused and returned.

**2.** While fairly admitting factum with regard to joining of investigation by the petitioner, Mr. Rajan Kahol, learned Additional Advocate General, on instructions of the Investigating Officer, states that though in terms of order dated 16.09.2026, petitioner joined the

investigation, but he is not fully cooperating. He states that it stands established on record that contraband, which is of commercial quantity, belongs to the present bail petitioner, who with a view to save himself, very cleverly handed over his vehicle bearing No. HP 32A 7365, from which commercial quantity of contraband came to be recovered, to the co-accused Litesh Kumar and thereafter, started driving his vehicle. He states that present bail petitioner was moving ahead of car bearing No. HP 32A 7365, which at relevant time was being driven by co accused Litesh Kumar, and thereafter after having noticed that police has laid a naka, he informed Litesh Kumar and asked him to park his vehicle at some isolated place. He states that thereafter, vehicle was recovered and co accused Litesh disclosed to the police that contraband belongs to the present bail petitioner Manoj, who with a view to save himself asked him to drive his vehicle. Learned Additional Advocate General states that since there is overwhelming evidence educed on record that bail petitioner is an actual culprit and he had promised to pay Rs. 20,000/- to Litesh Kumar, for driving his vehicle, coupled with the fact that Mr. Shiv Lal, original owner of vehicle, has furnished an affidavit stating therein that on the date of alleged incident, vehicle was with the present bail petitioner, interim bail granted vide order dated 16.09.2026 deserves to be rejected so that petitioner is

interrogated properly to ascertain the source from where he purchased the contraband.

**3.** To the contrary, Mr. Rakesh Chaudhary, learned counsel representing the petitioner, seriously refuted claim of the learned Additional Advocate General that petitioner has not fully cooperated. He stated that petitioner, after having joined the investigation in terms of order passed by this Court, rendered full cooperation to the police, but since vehicle involved in alleged crime was not in his possession, rather stood sold to third party, namely Ramesh and information qua such fact was given to the police, prayer of the bail petitioner for grant of bail cannot be denied on the ground of non recovery of vehicle.

**4.** Having heard learned counsel for the parties and perused material available on record, this Court finds that on date of alleged incident, both bail petitioner and Litesh Kumar had gone to Dhalpur, Kullu for fetching the contraband. Present bail petitioner purchased the commercial quantity of contraband from someone at Kullu and thereafter started journey towards Solan, but before their having reached Solan, bail petitioner Manoj asked co accused Litesh to drive his vehicle bearing No. HP 32A 7365, wherein commercial quantity of contraband was stored and he himself started driving vehicle of co accused Litesh. While driving the

vehicle of Litesh, which at relevant time, was moving ahead of car bearing No. HP 32A 7365, present bail petitioner noticed that police has laid naka, he asked Litesh Kumar to park his car on the side of the road and lock the same. Police, which had laid naka near Kunihar, District Solan, subsequently found car bearing No. HP 32A 7365 parked on the roadside and same was opened with help of mechanic in the presence of independent witnesses. Police allegedly recovered commercial quantity of contraband i.e. 2 kg 784 grams of charas from dashboard of the car in question. Co accused Litesh Kumar, who was found sitting in rain shelter near Shiv Gufa in Kunihar, was arrested on 02.09.2025, who thereafter disclosed the entire sequence of events to the police.

**5.** Though Mr. Rakesh Chaudhary, learned counsel representing the petitioner, vehemently argued that petitioner could not have been arrested on the basis of disclosure statement made by co accused Litesh, but having taken note of sequence of events as have been noticed above, this Court is of the view that contraband was actually purchased by the present bail petitioner, who subsequently with a view to save himself handed over his vehicle to co accused Litesh and thereafter apprised him with regard to presence of police near Kunihar.

**6.** Having noticed entire sequence of events, this Court is persuaded to agree with learned Additional Advocate General that present bail petitioner is a very clever person and as such, he is required to be interrogated properly by police so that source from where commercial quantity of contraband was purchased is ascertained. Moreover, this Court finds that FIR in the case at hand was registered on 30.08.2025, whereafter co-accused Litesh Kumar, who was merely driving the offending vehicle on the askance of present bail petitioner, is behind bars since 02.09.2025, whereas present bail petitioner is avoiding his arrest.

**7.** Consequently, in view of above, this Court is persuaded to vacate interim order dated 16.09.2026 passed by this Court, as a consequence of which, present petition is also dismissed.

**September 25, 2026**

(manjit)

**(Sandeep Sharma),  
Judge**