

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Cr. MP(M) No. 1652 of 2026

Date of Decision: 23.09.2026

Date of uploading: 23.09.2026

Anil Kumar Petitioner

Vs.

State of Himachal Pradesh Respondent.

Coram:

The Hon'ble Mr. Justice Ajay Mohan Goel, Judge

Whether approved for reporting?

For the petitioner(s): Mr. Surya Chauhan, Advocate.

For the respondent: Mr. Pushpender Jaswal, Additional Advocate General with Mr. Rajat Chauhan, Assistant Advocate General.

Ajay Mohan Goel, Judge (Oral):

By way of this petition filed under Section 483 of the Bhartiya Nagarik Suraksha Sanhita, 2023, the petitioner has prayed for grant of bail in FIR No. 61 of 2023, dated 02.03.2023, registered under Section 21 of the Narcotic Drugs & Psychotropic Substances Act, 1985 (hereinafter referred to as 'the NDPS Act') at Police Station Sadar, District Mandi, H.P.

2. The status report stands filed by the respondent-State, which stands perused by the Court.

3. The petitioner was initially arrested on 02.03.2023 for the alleged commission of the aforementioned offences and remained in

judicial custody until 11.05.2023, on which date, he was released on regular bail pursuant to order dated 10.05.2023 passed by this Court in Cr. MP(M) No. 855 of 2023, titled Anil Kumar v. State of H.P. & Ors. Thereafter, as he had allegedly jumped the conditions of bail by failing to appear before the learned Special Judge(3), Mandi, where the trial of the matter was under way, the petitioner was re-arrested on 21.04.2026 and since then, he is in custody. The bail application filed by the petitioner before the learned Court below stands dismissed vide order dated 25.05.2026.

4. Learned counsel for the petitioner has submitted that alleged recovery of the contraband (chitta/heroin) from the petitioner is 10.25 grams. He further submitted that the petitioner has been in custody for nearly eight months following his re-arrest on 21.04.2026, including the period of detention undergone earlier. Learned Counsel for the petitioner further contends that the petitioner did not intentionally jump bail to evade the process of the Court. His non-appearance on the date fixed before the learned trial Court was strictly on account of a bonafide mistake, as he misconstrued the information received for appearance before the learned Court below. Learned Counsel also submitted that otherwise also as till date, examination of the prosecution witnesses is yet to commence and as there are 21 witnesses in all cited by the prosecution, completion of the trial is likely to take longer time. He submitted that the petitioner undertakes to

abide by all terms and conditions that may be imposed by this Court and that he will not jump bail again or flee from justice.

5. Per contra, the learned Additional Advocate General opposes the grant of bail, submitting that the petitioner had previously jumped bail and evaded arrest, and therefore, no indulgence should be extended to him.

6. Having heard the learned Counsel for the parties and having perused the status report on record, this Court is of the considered view that as the alleged contraband recovered from the petitioner is 10.25 grams of heroin (chitta), which is an intermediate quantity and as the petitioner has already remained in custody for about eight months since his re-arrest on 21.04.2026 including the earlier period of detention as is evident from the facts narrated herein above, considering these cumulative facts and circumstances, no fruitful purpose is going to be served by keeping the petitioner further in custody and the interest of justice would be met if the he is enlarged on bail, subject of course to stringent conditions to ensure his presence during the trial.

7. Accordingly, the present bail petition is allowed and the petitioner is ordered to be released on bail in FIR No. 61 of 2023, dated 02.03.2023, registered under Section 21 of the Narcotic Drugs & Psychotropic Substances Act, 1985, at Police Station Sadar, District Mandi, H.P, subject to his furnishing a fresh personal bond in the sum of ₹50,000/-

with one surety in the like amount to the satisfaction of the learned Chief Judicial Magistrate, Mandi, subject further to the following conditions:

(a) The petitioner shall not jump the bail again and will strictly adhere to the conditions imposed upon him.

(b) The petitioner shall attend the Trial of the case on each and every date of hearing and if prevented by any reason to do so, seek exemption from appearance by filing appropriate application;

(c) He shall not tamper with the prosecution evidence nor hamper the investigation of the case in any manner whatsoever;

(d) He shall not make any inducement, threat or promise 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

(e) He will not leave the territorial jurisdiction of the Trial Court without the leave of the Court."

It is clarified that the findings which have been returned by this Court while deciding this petition are only for the purpose of adjudication of the present bail petition and learned Trial Court shall not be influenced, in any manner whatsoever, by any of the findings so returned by this Court in the adjudication of the present petition during trial of the case. It is further clarified that in case the petitioner do not comply with the conditions which have been imposed upon him while granting the present

bail, the State shall be at liberty to approach this Court for the cancellation of bail. The petition stands disposed in above terms.

(Ajay Mohan Goel)
Judge

September 23, 2026
(narender)