

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA**CrMP(M) No. : 1762 of 2026****Decided on : 15.09.2026**

Prem Pal

...Applicant

Versus

State of H.P.

...Respondent

*Coram***The Hon'ble Mr. Justice Virender Singh, Judge.***Whether approved for reporting?¹*

For the applicant : Mr. K.S. Gill, Advocate.

For the respondent : Mr. H.S. Rawat, Additional Advocate General, assisted by Ms. Ranjna Patial, Deputy Advocate General.

Virender Singh, Judge. *(Oral)*

By way of the present application, filed, under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as the 'BNSS'), a prayer has been made by applicant-Prem Pal to release him, on interim bail, in case FIR No. 13 of 2023, dated 9th February, 2023, registered under Section 20-61-85 of the Narcotic Drugs and Psychotropic Substances Act

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

(hereinafter referred to as 'NDPS Act') with Police Station Majra, District Sirmaur, H.P.

2. According to the applicant, he is in judicial custody since 9th February, 2023 and is presently lodged in Model Central Jail, Nahan.

3. It is the case of the applicant that he has no connection with the commission of the alleged offence and has falsely been roped into the controversy.

4. As per the applicant, he is a law abiding citizen and is permanent resident of the address, as mentioned in the bail application.

5. According to the applicant, he will face evil consequences, in the event of refusal of the grant of bail to him.

6. The relief of interim bail has been sought, by the applicant, on the ground, to attend the marriage of his niece, which is scheduled to be held on 19th to 21st September, 2026. In the alternative, it has also been argued that the applicant be sent under Police escort.

7. Apart from this, the applicant has given certain undertakings, for which, he is ready to abide by, in case, he is ordered to be released on interim bail.

8. Earlier, the applicant had approached this Court by filing applications for release on regular bail, however, the said applications have been dismissed.

9. On the basis of above facts, a prayer has been made to allow the present bail application.

10. When put to notice, the status report, on behalf of the respondent-State, has been filed, mentioning therein that the applicant has been arrested, in a case, registered under Section 20-61-85 of the NDPS Act.

11. As per the status report, Constable Jasvinder Singh, SIU Nahan, submitted a rukka, to the Police Station, mentioning therein, that on 9th February, 2023, ASI Mahipal, alongwith the police party, was on patrolling duty. At about 9.30 a.m., when ASI Mahipal was present at Dhaula Kuan, then, he received a secret information that a person, namely Prem Pal (applicant), resident of Dodra Kwar, is coming in Maruti Car, bearing registration No. HP 77 3555, from Baayla side and is involved in the

business of sale of charas. As per the said secret information, in case, his vehicle is searched, then, charas in huge quantity could be recovered. On finding the said information to be authentic and reliable, the provisions of Section 42(2) of NDPS Act were complied with, by submitting report to SDPO.

11.1. At about 01.15 p.m., Maruti Car, bearing registration No. HP 77 3555, was found coming from Bayla side, which was stopped and only one person was found sitting in the said vehicle. ASI Mahipal disclosed the identity of the entire team to the said person and disclosed to him about the secret information. In the meantime, a car was found coming from Baayla side, which was signalled to stop. In the said vehicle, two persons, namely, OP Thakur and Suresh Dutt, were found travelling, who were associated in the investigation of the case, as independent witnesses.

11.2. Thereafter, driver of vehicle No. HP 77 3555 was asked about his identity, who disclosed his name as Prem Pal (applicant). He was apprised about the secret information, having been received by the police.

Subsequently, his vehicle was searched. During search, black coloured stick shaped substance was found inside two polythene packets, kept inside a bag, in the dickey of the car, which, on the basis of experience, was found to be charas.

11.3. On weighment, on electronic weighing machine, the said charas was found to be 9.824 kg. The contraband, so recovered, was taken into possession. Other codal formalities were completed. After completion of the codal formalities, the FIR was registered and the applicant was arrested.

11.4. The contraband, so recovered, was sent to FSL Junga, for chemical analysis, from where, positive report has been received.

11.5. It has been mentioned, in the status report, that the evidence has been closed by the prosecution and delay in the trial has been caused by the accused himself as he has moved the application for recalling the witnesses.

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

13. Heard.

14. The evidence on behalf of the prosecution has been completed. The applicant has been involved, in a heinous offense, involving huge quantity of contraband, i.e., 9.824 kilogram of charas.

15. Considering the fact that the trial has already completed, this Court is of the view that the applicant is not able to make out a case for releasing him, on interim bail, at this stage, nor, his prayer, to take him to his native place in police custody, is liable to be accepted, as he is resident of a remote area of District Shimla.

16. Considering all these facts, the application is dismissed.

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.

(Virender Singh)
Judge

September 15, 2026 *(ps)*