THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Cr.MP(M) Nos. 1928 & 1930 of 2020
Decided on: 16.12.2020

Cr.M.P(M) No. 1928 of 2020

Bhagat Ram .....Petitioner

Versus

State of H.P. .....Respondent

Cr.M.P(M) No. 1930 of 2020

Lekh Ram .....Petitioner

Versus

State of H.P. .....Respondent

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

Whether approved for reporting?[1]

For the petitioner(s):	**Mr. Loveneesh Thakur, Advocate in both the petitions through video conferencing.**
For the respondent:	**Ms. Rameeta Rahi, Addl. A.G through video conferencing.**
	Both the petitioners are present in person through video conferencing.

Vivek Singh Thakur, J. (Oral)

Both these petitions have been preferred, seeking bail in case FIR No. 117 of 2020, registered under Sections 20, 61 and 85 of Narcotic Drugs and Psychotropic Substances Act in Police Station, Padhar, District Mandi, H.P.

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[1]Whether the reporters of Local Papers may be allowed to see the judgment?
Yes.Communication To Judge:

2. Status report stands filed, wherein it is stated that the petitioners have joined the investigation and nothing is to be recovered from them. As per status report, on the basis of complaint received from the Patwari, police had visited village Tikkar for investigation and has found that in the village in Khasra Nos. 463, 450, 451, 443, 448, along-with crop of maze sown in the fields, illegal cultivation of cannabis was also there. From the spot about more than 5000 plants of cannabis were uprooted and after retaining samples of 14 plants, other plants were destroyed.

3. It is also stated in the status report that aforesaid Khasra numbers are in joint ownership of Shakt Ram, Dasham Ram, Karam Singh, Ram Lal, Shyam Lal, Kanya Kumari, Prakash Chand, Dev Kali, Bhima Kali, Bhiyandi, Mede Ram, Lekh Ram, Bhagat Ram, Soma Pati, Chunki Devi.

4. It is claimed by the petitioners that during interrogation and on the basis of statement made by the co-owners, land comprised in Khasra Nos. 463, 450, 451 and 443 has been alloted to petitioner Bhagat Ram whereas land comprised in Khasra No. 448 has been alloted to Lekh Ram.

5. According to the status report, investigation in the case is complete and challan is likely to be presented in the Court very soon. Neither there is prayer for custodial interrogation of the petitioners nor any case is made out for the same.

6. Considering the entire facts and circumstances of the case, petitioners are ordered to be enlarged on bail in present case subject to furnishing personal bond in the sum of ₹50,000/- each with one surety each in the like amount to the satisfaction of the learned

trial Court within two weeks from today and also subject to the following conditions:-

i) That the petitioners shall make themselves available to the police or any other Investigating Agency or Court in the present case as and when required;

ii) that the petitioners shall not directly or indirectly 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 Court or to any Police Officer or tamper with the evidence. They shall not, in any manner, try to overawe or influence or intimidate the prosecution witnesses;

iii) that they shall not obstruct the smooth progress of the investigation/trial;

iv) that the petitioners shall not misuse their liberty in any manner;

v) that the petitioners shall not jump over the bail;

vi) that they shall keep on informing about the change in address, landline number and/or mobile number, if any, for their availability to Police and/or during trial; and

vii) they shall not leave India without permission of the Court.

viii) that the petitioners shall not commit the offence similar to the offence to which they are accused or suspected;

ix) In case petitioners are again found to have involved in commission of similar offence or any other offence related to NDPS Act, in such eventuality, their bail in the present case shall be liable to be cancelled, on taking appropriate steps by the prosecution.

7. It will be open to the prosecution to apply for imposing and/or to the trial Court to impose any other condition on the

petitioners as deemed necessary in the facts and circumstances of the case and in the interest of justice.

8. In case the petitioners violate any conditions imposed upon them, their bail shall be liable to be cancelled. In such eventuality prosecution may approach the competent Court of law for cancellation of bail, in accordance with law.

9. Learned trial Court is directed to comply with the directions issued by the High Court, vide communication No. HHC.VIG./Misc. Instructions/93-IV.7139 dated 18.03.2013.

10. Observations made in these petitions hereinbefore shall not affect the merits of the case in any manner and are strictly confined for the disposal of the bail applications.

11. The petitioners are permitted to produce copy of order downloaded from the High Court website and the trial Court shall not insist for certified copy of the order, however, they may verify the order from the High Court website or otherwise.

12. The petitions stand disposed of in the aforesaid terms.

Dasti ***Copy***.

December 16, 2020 **(Vivek Singh Thakur)**
(naveen) **Judge**