IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Cr. MP (M) Nos. 2451, 2452, 2453 and 2483 of 2025.

Reserved on: 30.10.2025

Date of Decision: 03.11.2025.

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1. Cr. MP(M) No. 2451 of 2025

Jeet Maan ...Petitioner

Versus

State of Himachal Pradesh ...Respondent

2. Cr. MP(M) No. 2452 of 2025

Yogesh ...Petitioner

Versus

State of Himachal Pradesh ...Respondent

3. Cr. MP(M) No. 2453 of 2025

Het Bahadur ...Petitioner

Versus

State of Himachal Pradesh ...Respondent

4. Cr. MP(M) No. 2483 of 2025

Mani Lal ...Petitioner

Versus

State of Himachal Pradesh ...Respondent

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Hon'ble Mr Justice Rakesh Kainthla, Judge.

Whether approved for reporting?[1] No.

For the Petitioner(s) : M/s Rakesh Kumar Chaudhary and Panku Chaudhary, Advocates, in all the petitions.

For the Respondent(s) : Mr Jitender K. Sharma, Additional Advocate General, assisted by ASI Raj Kumar, I/o PS Kullu, District Kullu.

Rakesh Kainthla, Judge

All the petitions have been filed for seeking regular bail in the same FIR; hence, they are being taken up together for disposal by way of a common judgment.

2. The petitioners have filed the present petitions for seeking regular bail in FIR No. 295 of 2023, dated 11.10.2023, registered for the commission of offences punishable under Sections 20 and 29 of the Narcotic Drugs and Psychotropic Substances (NDPS) Act at Police Station Kullu, District Kullu, H.P.

3. It has been asserted that Lil Bahadur, one of the co-accused, was released on bail by the Hon'ble Supreme Court in SLP (CRC) No. 8157 of 2025, decided on 30.07.2025. The petitioners are entitled to bail on the principle of parity. Hence the petitions.

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

4. The petitions are opposed by filing separate status reports asserting that the police were on patrolling duty on 11.10.2023. They associated Sher Singh at Rajak Thach at noon. The police saw some people and two tents with huge quantities of cannabis after covering some distance. The police started walking towards the tents. All the people gathered near one tent. The police went inside and found one carry bag containing 3.519 Kgs of charas. The police also searched the tents and found 5 bags containing cannabis seeds. The total weight of the seeds was found to be 110.572 kgs. The police seized the charas and the seeds. The police made enquiries from the accused, and they revealed that two persons named Ramu and Khadak Singh had employed them to extract cannabis on a daily wage. The police sent the charas to FSL, and as per the report of analysis, the exhibit was an extract of cannabis and a sample of charas. The challan was prepared and presented before the Court on 30.12.2023. The matter is now listed for recording the statements of prosecution witnesses on 28.11.2025. Eight witnesses have been examined out of the sixteen witnesses cited by the prosecution. Hence, the status reports.

5. I have heard M/s. Rakesh Kumar Chaudhary & Panku Chaudhary, learned counsel for the petitioner(s) (in all the petitions), and Mr Jitender K. Sharma, learned Additional Advocate General, for the respondent/State.

6. Mr Rakesh Kumar Chaudhary, learned counsel for the petitioner(s) (in all the petitions), submitted that the Hon'ble Supreme Court has released the co-accused on bail. The allegations against the petitioners and the co-accused are similar. The petitioners are entitled to bail on the principle of parity. Therefore, it was prayed that the present petitions be allowed and the petitioners be released on bail.

7. Mr Jitender K. Sharma, learned Additional Advocate General, for the respondent/ State, conceded that the Hon'ble Supreme Court had released the co-accused on bail; however, he submitted that the principle of parity does not apply to the present case. The statements of eight witnesses have been recorded, and the matter is listed for prosecution evidence on 28.11.2025. Hence, he prayed that the present petitions be dismissed.

8. I have given considerable thought to the submissions made at the bar and have gone through the records carefully.

9. It is undisputed that the Hon'ble Supreme Court has released the co-accused Lil Bahadur on bail vide judgment dated 30.07.2025, passed in Special Leave to Appeal (SLP) Criminal No. 8157 of 2025, because he had spent one year and nine months in jail. The present petitioners were also arrested with the co-accused, and if the Hon'ble Supreme Court considered the incarceration of one year and nine months sufficient to grant bail to the co-accused, the petitioners are entitled to bail on this ground as well.

10. The Hon'ble Supreme Court released the co-accused on bail on such terms and conditions as the Trial Court may deem fit. Since the petitioners are being released on bail on the principle of parity; therefore, the same conditions would apply to them.

11. In view of the above, the present petitions are allowed and the petitioners are ordered to be released on bail, on such terms and conditions as the learned Trial Court concerned may deem fit to impose in the facts and circumstances of the case.

12. The petitions stand accordingly disposed of. A copy of this order be sent to the ***Superintendent of District Jail Bilaspur, District Bilaspur, H.P. and the learned Trial Court by FASTER.***

13. A downloaded copy of this order shall be accepted by the learned Trial Court while imposing terms and conditions of bail on the petitioners, and in case said Court intends to ascertain the veracity of the downloaded copy of the order presented to it, the same may be ascertained from the official website of this Court.

14. The observations made hereinabove are regarding the disposal of the petitions and will have no bearing, whatsoever, on the case's merits.

(Rakesh Kainthla)
Judge

03rd November 2025
(Shamsh Tabrez)

SHAMSH TABREZ

Digitally signed by SHAMSH TABREZ
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