2025:HHC:36370

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Cr. MP (M) No. : 2500 of 2025
Reserved on : 29th October, 2025
Decided on : 31st October, 2025

Ankesh ...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. Vikas Rathore, Advocate.
For the respondent	:	Mr. Mohinder Zharaick and Mr. Varun Chandel, Additional Advocates General assisted by HC Manish Kumar No.91, I.O., Police Station, BSL Colony Sundernagar, District Mandi, H.P.

Virender Singh, Judge

Applicant Ankesh has filed the present application, under Section 483 of Bharatiya Nagarik Suraksha Sanhita (hereinafter referred to as 'the BNSS') for releasing him, on bail, during the pendency of the trial, arising out of **FIR No. 108 of 2025, dated 20.09.2025, registered under Section 20 of the**

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

Narcotic Drugs and Psychotropic Substances Act (hereinafter referred to as the 'NDPS' Act), with Police Station, BSL Colony, Sundernagar, District Mandi, H.P.

2. According to the applicant, he is innocent person and has falsely been implicated, in the present case, as, he has no concern whatsoever with the offence, for which, he has been arrested, by the police.

3. As per the applicant, there is no independent material to show his involvement in the crime in question.

4. It is the further case of the applicant that he has moved similar application before the Court of learned Special Judge, Sundernagar, District Mandi, however, the said application has been dismissed vide order dated 07.10.2025.

5. According to the applicant, the contraband, involved in the present case, does not fall within the definition of 'commercial quantity', as such, rigors of

Section 37 of the NDPS Act are not applicable, in this case.

6. The applicant has given certain undertakings, for which, he is ready to abide by, in case, he is ordered to be released on bail, during the pendency of the trial.

7. On all these submissions, a prayer has been made to allow the application, by releasing the applicant on bail.

8. When put to notice, the police has filed the status report, disclosing therein, that on 20.09.2025, H.C. Munish Kumar No.91, Police Station BSL Colony Sundernagar, along with other police officials, was on duty to put picketing and traffic checking, in the area of Police Station.

8.1. The Police party had put the picketing and at about 11.12 a.m., when, they were present at National Highway-21 and were checking the vehicles coming from Mandi side and had checked about 20-30 vehicles, at that time, from Mandi side, one Haryana

Roadways bus, bearing registration No.HR68GV 6294, enroute Manali-Chandigarh, being driven by its driver, came there. The I.O., signalled the driver of the bus to stop the same, upon which, the driver stopped the bus on the left side pavers.

8.2. Thereafter, the I.O., directed HHC Rakesh Kumar No.662 to record the proceedings, by handing over his phone. Thereafter, the I.O., along with other police officials, entered in the bus, in order to check the same. 8-9 passengers were there in the bus. Conductor was found to be seated on seat No.21.

8.3. When the I.O., reached at Seat No.22, and inquired about the name and address of the passenger sitting thereon, he was found to be perplexed and tried to conceal the bag, which, he had kept between his legs. His activities raised suspicion that the bag might have containing stolen or suspicious articles. As such, the I.O., thought it proper to search the same.

8.4. The I.O., had requested the passengers to be the independent witnesses, however, all of them had

put forward their personal problems. Consequently, the bus driver Balwan Singh and conductor Randheer Singh, were directed to be the witnesses.

8.5. Thereafter, in the presence of the witnesses the name and address of the said person were inquired, who has disclosed his name as Ankesh (applicant). Thereafter, the bag was searched.

8.6. On searching, the bag was found containing ball shaped substance, which, on smelling and on the basis of the experience and as disclosed by the witnesses, was found to be Charas. On weighment, the same was found to be 336 grams. Other codal formalities were completed.

8.7. Thereafter, rukka was sent for registration of the FIR. After registration of the FIR, accused was arrested and the contraband, so recovered, was produced before the Court of learned Additional Chief Judicial Magistrate, Court No.1, Sundernagar, where, proceedings, under Section 52-A of the NDPS Act, were got conducted. Thereafter, the contraband was sent to

SFSL, Junga, from where, positive report has been received.

8.8. Lastly, it has been mentioned, in the status report, that in case, the applicant is released on bail, he may again indulge in the same activities, and he may coerce the witnesses and may hamper the investigation of the case.

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

10. Admittedly, the contraband, allegedly recovered, in the present case, does not fall within the definition of 'commercial quantity', as such, rigors of Section 37 of the NDPS Act, are not applicable, in the present case.

11. Except the present case, no other case is found to have been registered against the applicant.

12. Investigation, in the present case, is almost complete and no useful purpose would be served by keeping the applicant in the judicial custody, that too, for indefinite period.

13. Moreover, the chances of commencement and conclusion of trial against the applicant, in near future, are not so bright.

14. The application cannot be rejected, as a matter of punishment, as, pre-trial punishment is prohibited under the law and punishment can only be imposed, after the full fledged trial, by competent Court of law.

15. Considering the fact that the applicant is permanent resident of District Mandi, as such, it cannot be said that that in case, the applicant is released on bail, he may not be available for trial.

16. So far as the other apprehensions, which have been expressed, by the police, are concerned, for those apprehensions, stringent conditions can be imposed, upon the applicant, in case, he is ordered to be released on bail.

17. Considering all these facts, this Court is of the view that the bail application is liable to be allowed and is accordingly allowed. The applicant is ordered to

be released on bail, in case **FIR No.108 of 2025, dated 20.09.2025**, registered, under **Section 20 of the NDPS Act**, with **Police Station, BSL Colony Sundernagar, District Mandi, H.P.**, on his furnishing personal bond, in the sum of Rs.50,000/-, with one surety, in the like amount, to the satisfaction of learned Additional Chief Judicial Magistrate,/Judicial Magistrate First Class, Sundernagar, District Mandi.

18. This order of release, however, shall be subject to the following conditions :-

> *"a) Applicant shall regularly attend the trial Court on each and every date of hearing and if prevented by any reason to do so, seek exemption from appearance by filing appropriate application;*
>
> *b) Applicant shall not tamper with the prosecution evidence nor hamper the investigation of the case in any manner whatsoever;*
>
> *c) Applicant shall not make any inducement, threat or promises to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or the Police Officer; and*
>
> *d) Applicant shall not leave the territory of India without the prior permission of the Court."*

19. Any of the observations made herein above 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.

20. It is made clear that the respondent-State is at liberty to move an appropriate application, in case, any of the bail conditions is found to be violated by the applicant.

21. The Registry is directed to forward a soft copy of the bail order to the Superintendent of Jail, District Jail, Mandi, District Mandi, H.P., through e-mail, with a direction to enter the date of grant of bail in the e-prison software.

22. In case, the applicant is not released within a period of seven days from the date of grant of bail, the Superintendent of Jail, District Jail, Mandi, District Mandi, H.P., is directed to inform this fact to the Secretary, DLSA, Mandi. The Superintendent of Jail, District Jail, Mandi, District Mandi, H.P., is further directed that if the applicant fails to furnish

the bail bonds, as per the order passed by this Court, within a period of one month from today, then, the said fact be submitted to this Court.

(Virender Singh)
Judge

October 31, 2025 *(ps)*

PRADEEP

Digitally signed by PRADEEP
Date: 2025.10.31 14:10:00 +0530