



kg Charas Charas belongs to them. They could not produce any permit to carry this Narcotics substance. During the course of investigation at the instance of accused Vikram, a raid was conducted at Village Barshaini, Distt. Kullu HP on 11.11.2024 and on the identification of accused Vikram, drug supplier Gopal Prasad Shresth was arrested on 11.11.2024 from his residence and 19.09 gm Charas was recovered from his possession at Village Barshaini Distt. Kullu (HP)."

4. Counsel for the petitioner submits that the alleged recovery recovered from the possession of the petitioner is 19.09 grams of Charas, which is less than 100 grams and is of small quantity. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and his family. He further submits that in view of the ratio of judgment passed in **Kuldeep Singh @ Keepa Versus State of Punjab**, by this Court his detention is illegal.

5. The State's counsel opposes bail on instructions.

REASONING:

6. The quantity of contraband attributed to the petitioner is 19.09 grams of Charas which is less than 100 grams and is of small quantity and as such, this Court had granted bail in the case of **Kuldeep Singh @ Keepa Versus State of Punjab** passed in **CRM-M-60671-2024**, decided on 18.12.2024, wherein the quantity was one gram of heroin which is also small quantity and this Court held the offence for small quantity as bailable. In view of the aforesaid judgment, petitioner is entitled to bail.

7. There is sufficient prima facie evidence connecting the petitioner with the alleged crime. However, pre-trial incarceration should not be a replica of post-conviction sentencing. Per paragraph 7 of the bail petition, the petitioner has been in custody since 11.11.2024. Per the custody certificate dated 21.04.2025, the petitioner's total custody in this FIR is 05 months and 10 days. Given the penal provisions invoked viz-a-viz pre-trial custody, coupled with the prima facie analysis of the nature of allegations, and the other factors peculiar to this case, there would be no justifiability for further pre-trial incarceration at this stage.

8. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail. This order shall come into force from the time it is uploaded on this Court's official webpage.

9. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

10. While furnishing a personal bond, the petitioner shall mention the following personal identification details:



1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

11. This order is subject to the petitioner’s complying with the following terms.
12. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.
13. This bail is conditional, and the foundational condition is that if the petitioner indulges in any non-bailable offense, the State may file an application for cancellation of this bail before the Sessions Court, which shall be at liberty to cancel this bail.
14. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.
15. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.
16. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

21.04.2025
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Whether speaking/reasoned: Yes
Whether reportable: No.