IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Cr. MP(M) No. 358 of 2026
Reserved on: 21.04.2026
Date of Decision: 28.04.2026.

Dupal Singh .... Petitioner

Versus

State of HP .... Respondent

Coram

Hon'ble Mr Justice Rakesh Kainthla, Judge.

Whether approved for reporting?[1] No

For the Petitioner : Mr Subhash Chander, Advocate, vice Mr Bodh Raj Thakur, Advocate.

For the Respondent/State: Mr Ajit Sharma, Deputy Advocate General.

Rakesh Kainthla, Judge

The petitioner has filed the present petition for seeking interim bail in FIR No. 47 of 2025, dated 06.04.2025, registered at Police Station Ghumarwin, District Bilaspur, H.P., for the commission of offences punishable under Section 20 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1995 (hereinafter referred to as "NDPS").

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

2. It has been asserted that, as per the prosecution, the police had recovered 1.853 kg of charas from the car bearing registration No. HP-92A-0203, which was being driven by the petitioner. The petitioner has been in custody since 05.04.2025. The petitioner is not the owner of the vehicle, and the contraband was found beneath the seat of the vehicle. Learned Special Judge Ghumarwin had granted seven days' interim bail to the petitioner w.e.f 11.12.2025 till 17.12.2025 for the treatment of his ailing mother. The petitioner surrendered before the Superintendent, Open Air Jail, Bilaspur, on 17.12.2025. The petitioner's mother is critically ill, and she is suffering from various life-threatening diseases. The cardiac specialist has advised Mitral Valve Replacement (MVR) + Tricuspid Valve (TV) Repair + Left Atrial (LA) Reduction and has referred the patient to IGMC Shimla and PGI Chandigarh for further evaluation and surgical management. Pradhan Gram Panchayat, Balhadi, Block Development, Gohar, also issued a certificate stating that the petitioner belongs to a family below the poverty line, and recent rains have damaged his agricultural land. The petitioner's father has undergone spinal surgery and is bedridden. The petitioner has two minor children who are dependent upon him. There is no

other person to take care of the petitioner's mother. The release of the petitioner is necessary in these circumstances. Hence, the petition for grant of interim bail.

3. The petition is opposed by filing a status report asserting that the police were checking the vehicles at Parsola on 05.04.2025. They intercepted a car bearing registration No. HP92A-0203 coming from Mandi. Two people were sitting in the car, who got frightened after seeing the police. The police checked the car in the presence of Pankaj Kumar and Constable Manish Kumar and recovered 1.853 kg of charas. The driver identified himself as Dupal Singh (petitioner), and the person sitting beside the driver identified himself as Jai Chand. The police arrested the occupants of the vehicle and seized the charas. The charas was sent to the SFSL, and as per the result of analysis, it was found to be an extract of cannabis and a sample of charas. FIR No. 94 of 2022 is pending against the petitioner for the commission of offences punishable under Sections 20 and 29 of the NDPS Act. The chargesheet was filed before the Court on 04.06.2025. The petitioner would indulge in the commission of a similar offence in case of his release on bail. Hence, the status report.

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4. I have heard Mr Subhash Chander, Advocate, vice Mr Bodh Raj Thakur, learned counsel for the petitioner, and Mr Ajit Sharma, learned Deputy Advocate General for the respondent/ State.

5. Mr Subhash Chander, learned counsel for the petitioner, submitted that the petitioner's mother is suffering from heart disease. She has been advised treatment at IGMC Shimla or PGI, Chandigarh. The petitioner was released on interim bail by the learned Special Judge, Bilaspur. The petitioner had not misused the liberty extended to him and surrendered after the expiry of the period of interim bail. The petitioner would abide by the terms and conditions that the Court may impose. Hence, he prayed that the present petition be allowed and the petitioner be released on interim bail. He relied upon the judgment of the Hon'ble Supreme Court in ***Rahul Subash vs. State of Kerala and Anr Criminal Appeal No. 299 of 2024, decided on 24.03.2025,*** in support of his submission.

6. Mr Ajit Sharma, learned Deputy Advocate General for the respondent/State, submitted that the petitioner is involved in the commission of a heinous offence. He was found in possession

of a commercial quantity of charas, and the rigours of Section 37 of the NDPS Act apply to the present case. Therefore, he prayed that the present petition be dismissed.

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

8. It is undisputed that the petitioner was released on interim bail of seven days by learned Special Judge Ghumarwin, District Bilaspur, on 10.12.2025. The petitioner asserted that he had surrendered before the Superintendent of Jail after the expiry of the period of interim bail. This was not stated to be incorrect. The reports issued by Himachal Heart Institute show that the petitioner's mother is suffering from heart disease and she has been referred to IGMC Shimla/PGI, Chandigarh for consultation. These reports were issued when the petitioner was released on interim bail by the learned Trial Court, which corroborates his version that he is the only person who can take his mother to the doctors for her treatment.

9. The Hon'ble Supreme Court had released a person involved in the possession of a commercial quantity of MDMA on

the grounds of the treatment of his mother for cancer in **Rahul Subash** (supra). Therefore, there is no impediment in releasing the petitioner on interim bail as per the judgment of the Hon'ble Supreme Court.

10. In view of the above, the present petition is allowed, and the petitioner is ordered to be released on interim bail for a period of one week to enable the petitioner to take his mother to IGMC Shimla/PGI, Chandigarh, for consultation. The petitioner shall surrender before the Superintendent of Jail after the expiry of seven days from the date of his release on interim bail. The petitioner will furnish a personal and surety bond in the sum of ₹1 lakh, undertaking to attend the Court, if the matter is listed for hearing during the period of interim bail or seek an appropriate exemption, surrender on the expiry period of interim bail, not threaten or intimidate witnesses or interfere with any evidence during the pendency of the interim bail. The petitioner shall also intimate his mobile number to the SHO of Police Station Ghumarwin, District Bilaspur and the learned Trial Court will abide by any direction communicated by the Court through his mobile phone.

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11. The petition stands accordingly disposed of. A copy of this order be sent to the Jail Superintendent, District and Open-Air Jail Bilaspur, H.P. and the learned Trial Court by FASTER.

12. The observations made hereinabove are regarding the disposal of this petition and will have no bearing whatsoever on the case's merits.

(Rakesh Kainthla)
Judge

28th April, 2026
(Nikita)

CHANDER SHEKHAR
Digitally signed by CHANDER SHEKHAR
Date: 2026.04.28 12:33:25 +0530