IN THE HIGH COURT OF HIMACHAL PRADESH SHIMLA

Cr.MP(M) No.604 of 2026
Reserved on:- 23.04.2026
Date of Decision: 27.04.2026

Akashdeep Singh ...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. Pankaj Mehta, Advocate, vice Mr. K.S. Gill, Advocate.

For the respondent : Mr. Mohinder Zharaick and Mr. H.S. Rawat, Additional Advocates General, with Mr. Rohit Sharma, Deputy Advocate General, assisted by ASI Nishant Dobra, Police Station Sadar Mandi, District Mandi, H.P.

Virender Singh, Judge

By way of the present application, filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as 'BNSS'), applicant-Akashdeep Singh has sought his release, on bail, during the pendency of the trial, arising out of **FIR No.219 of 2025, dated 30.08.2025,** registered **under Sections 21 & 29 of the Narcotic Drugs & Psychotropic**

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

Substances Act (hereinafter referred to as the 'NDPS Act'), with **Police Station, Sadar Mandi, District Mandi, H.P.**

2. According to the applicant, he is innocent person and has falsely been implicated, in this case.

3. Investigation in the present case, is stated to be completed and nothing is to be recovered from him or at his instance.

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

5. According to the applicant, he had earlier tried his luck by moving similar bail application, before the Court of learned Special Judge-II, Mandi, District Mandi, Himachal Pradesh. However, the same was dismissed vide order dated 19.11.2025.

6. Thereafter, he has approached this Court, by filing bail applications bearing Cr.MP(M) Nos. 2806 of 2025, 3068 of 2025 and 283 of 2026, however, those

applications were dismissed, as withdrawn, vide orders dated 15.12.2025, 02.01.2026 and 12.03.2026, respectively.

7. Apart from this, the applicant has given the details of the following four cases registered against him:-

(i) FIR No.143 of 2022, dated 23.09.2022, registered under Section 21 B of NDPS Act.
(ii) FIR No.55 of 2023, dated 21.06.2023, registered under Sections 324, 326, 452, 506, 148 & 149 of IPC.
(iii) FIR No.125 of 2025, dated 02.08.2025, registered under Sections 21 & 29 of NDPS Act.
(iv) FIR No.242 of 2024, dated 15.11.2024, registered under Section 25 of Arms Act.

8. All these cases are stated to be pending adjudication, before the learned trial Courts.

9. According to the applicant, the investigation, in the present case, is completed and no useful purpose would be served, by keeping him in judicial custody.

10. Apart from this, Mr. Pankaj Mehta, Advocate, vice Mr. K.S. Gill, Advocate, appearing for the applicant, has given certain undertakings, on behalf of the applicant, for which, the applicant is ready to abide by,

in case, ordered to be released on bail, during the pendency of the trial.

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

11.1 When, put to notice, the police has filed the status report, disclosing therein, that on 30.08.2025, IO, HC Vishal Kanwar No.63, Police Station, Sadar Mandi, has submitted a Rukka to Police Station, Sadar Mandi, through constable Shahid Ali, mentioning therein, that on the same day, he along with other police officials, in his private vehicle, was on patrolling duty and duty to detect the crime relating to excise and narcotics. When, he reached near R.T.O. Office, Mandi, then, at about 11:20 AM, he received a secret information about the fact that Vehicle No.PB65BB-6672, Hyundai Verna, has been parked near Ekant Hotel and the persons from Punjab are selling chita. As per the information, if the said vehicle is searched, then, a large quantity of chita could be recovered. The said information was found to be authentic and reliable, as such, report under Section

42(2) of NDPS Act, was prepared and submitted to Supervisory Officer, Mandi.

11.2. Thereafter, IO, along with the team, had proceeded towards Ekant Hotel. At about 11:53 AM, he has requested the nominated Counsellor, Dinesh Kumar, to be the independent witness, upon which, he has given his consent and reached at the spot. When, the police team reached at Ekant Hotel, then, the owner of the hotel was apprised about the secret information and requested him to be the independent witness, but, the owner of the hotel and other persons present there, had refused to be so citing their personal difficulties. Vehicle No.PB65BB-6672 was found parked, outside Ekant Hotel, no one was there, in the said vehicle. Thereafter, IO waited for the independent witnesses, then, about at 1:05 PM, Counsellor, Dinesh Kumar, reached at the spot and explained the reason for reaching there late, by citing his personal difficulties. Another person namely Pradeep Kumar was with him. Both of them were associated in the investigation.

11.3. In the meanwhile, three young men, reached near the vehicle and one of them had tried to open the same, upon which, IO, inquired from them about their address. The person, who was having the key of Vehicle No.PB65BB-6672 with him, disclosed his name, as Akashdeep son of Shri Baljit Singh (applicant). He has also disclosed that he is the driver-cum-owner of the vehicle. His companion disclosed his name, as Ashu Mattu (child in conflict with law) and third person disclosed his name, as Pargat Singh.

11.4. Thereafter, the IO apprised the above persons about the secret information and also expressed his intention to search their vehicle. Before conducting search of the vehicle, IO has given personal search, as well as, search of the team; nothing incriminating could be found. This fact was duly documented. Thereafter, in the presence of witnesses and the said three young men, Vehicle No.PB65BB-6672 was searched.

11.5. During search of the vehicle, under neath, the dashboard cover, a black coloured envelope was found, which was found to be a carry bag. When, the same was

checked, it was found containing electronic weighing machine and another transparent polythene envelope.

11.6. On inquiry, driver-Akashdeep (applicant) disclosed the contents of the said transparent envelope, as chitta. The said chitta was found to be 100 grams. Other codal formalities were completed. The accused persons were arrested and the vehicle, along with the contraband was taken into possession.

11.7. The contraband was sent to RFSL, Junga, from where, positive report has been received. After completion of the investigation, charge sheet has been filed, before the Court of learned Special Judge-II, Mandi. Charges have been framed and the case is fixed for 22.04.2026 and 23.04.2026, for prosecution evidence. As per the status report, there are total 25 witnesses in this case and till date, no witness has been examined.

11.8. As per the status report, following cases were found to be registered him:-

(i) FIR No.143 of 2022, dated 23.09.2022, registered under Section 21of NDPS Act.

(ii) FIR No.55 of 2023, dated 21.06.2023, registered under Sections 324, 326, 452, 506, 148, 149 of IPC.

(iii) FIR No.125 of 2025, dated 02.08.2025, registered under Sections21 & 29 of NDPS Act.
(iv) FIR No.242 of 2024, dated 15.11.2024, registered under Section 25 of Arms Act.

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

13. First of all, coming to the objection of the learned Additional Advocate General, qua the fact that the applicant, is not entitled for the relief of bail, as four cases have already been registered against him is concerned, admittedly, in none of the cases, applicant has been convicted, by the competent Court of law, nor, any efforts have been made by the police to get the bail cancelled, in those cases, by moving the appropriate application. As such, merely on the ground of registration of other FIRs, bail application cannot be rejected, as a matter of punishment, as punishment can only be inflicted, after the full fledged trial.

14. Investigation, in the present case, is complete, as the police has filed the charge sheet, before the learned trial Court, where the charges have already been framed and the case is now listed for PWs.

15. As per status report, there are total 25 witnesses and it will take sufficient long time for conclusion of trial, as such, no useful purpose, would be served, by keeping the applicant, in judicial custody, that too, for the indefinite period.

16. Dismissal of the application, at this stage, i.e. after the completion of investigation, would be nothing, but pre-trial punishment, which is prohibited under the law.

17. The contraband, allegedly recovered in the present case, does not falls within the definition of 'commercial quantity'. As such, rigors of Section 37 of the NDPS Act, are not applicable, in the present case.

18. Considering all these facts, this Court is of the view that the applicant cannot be kept in judicial custody, as a matter of punishment. The trial of the case will take sufficient long time.

19. So far as the apprehension of the police, qua the fact that the applicant is resident of adjoining State i.e. Punjab, as such, he may not be available for trial, is concerned, on that ground, relief cannot be declined to

him, for which, he is otherwise entitled to, as for such apprehension, reasonable conditions can be imposed upon the applicant.

20. Considering all these facts, this Court is of the view that the present bail application is liable to be allowed and is accordingly allowed.

21. Consequently, the applicant is ordered to be released, on bail, in case **FIR No.219 of 2025, dated 30.08.2025,** registered **under Sections 21 & 29 of the NDPS Act**, with **Police Station, Sadar Mandi, District Mandi, H.P.**, on his furnishing personal bond in the sum of Rs.1,00,000/-, with one surety of the like amount, to the satisfaction of the learned trial Court.

22. This order, 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.

23. Any of the observations, made hereinabove, 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.

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

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

26. 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, Himachal Pradesh, is directed to inform this fact to the Secretary, DLSA, Mandi. The Superintendent of Jail, District Jail, Mandi, District Mandi, Himachal

Pradesh, 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

April 27, 2026
(subhash)

KALPANA

Digitally signed by KALPANA
Date: 2026.04.27 15:53:58 +0000