IN THE HIGH COURT OF HIMACHAL PRADESH AT SHIMLA

Cr.R. No. 466 of 2026
Decided on 30th October, 2026

Karan Sharma **…Petitioner**

Versus

State of Himachal Pradesh **…..Respondent**

Coram
Hon'ble Mr. Justice Chirag Bhanu Singh, Judge.
[1]Whether approved for reporting?

For the petitioner	:	**Mr. Hemant K. Thakur, Advocate, Mr. Avishek Guleria, Advocate and Mr. Vikrant Mehta, Advocate.**
For respondent-State	:	**Mr. Rajpal Thakur, Additional Advocate General.**

Chirag Bhanu Singh, Judge (Oral)

The present revision petition has been preferred by the petitioner assailing the order passed by the learned Special Judge (Family Court), Shimla, vide an order dated 17.01.2026 rejecting his application for grant of bail and declining his request for cancellation of non-bailable warrants of arrest issued against him.

2. The petitioner herein was an accused in case FIR No.158 of 2022, dated 16.12.2022 registered in Police Station

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

Theog under Sections 21 & 29 of the Narcotic Drugs and Psychotropic Substances Act (in short “NDPS Act”).

3. The petitioner was unable to appear on one of the dates and as such the learned trial Court was constrained to issue a non-bailable warrants of arrest to procure his presence. The application for bail preferred by the petitioner was dismissed by the learned trial Court on 17.01.2026 and hence the present revision.

4. It is the case of the petitioner that his non appearance on 24.06.2025 was neither willful nor deliberate, as he was out of station on account of some urgent personal work and as such he could not communicate this fact to his counsel. The quantity of contraband allegedly recovered was only about 76.51 grams, it being intermediate in quantity, the rigors of Section 37 of the NDPS Act would not apply. The petitioner has already been in custody for more than one year. The challan already stands filed and the trial had also commenced.

5. The learned counsel for the petitioner further undertakes that he shall appear before the learned Court below on each and every date fixed, at least, till the completion of the trial.

6. I have heard the learned counsel for the parties and

gone through the records meticulously.

7. Though no fault can be attributed to the findings returned by the learned trial Court, but keeping in view the circumstances emerging on record, more particularly seeing to the fact that the petitioner has already been in custody for about one year, the charges having been framed and the trial having commenced. Further, keeping in view the quantity of contraband allegedly recovered, which is undisputedly intermediate in quantity, the incarceration of the petitioner is not going to subserve the cause of the prosecution in any manner. The conclusion of the trial is likely to take time. In that sense, the incarceration of the petitioner would literally tantamount to pre-trial conviction, which is generally loathed by the Court.

8. There is no doubt that the petitioner had literally stalled the trial for almost two years and had to be served by the non-bailable warrants, but for his willful disobedience, the petitioner has already been reasonably punished. This Court thus is persuaded to afford one more opportunity to the petitioner to rectify his past conduct moreso, keeping in view the fact that the petitioner has undertaken to appear before the Court regularly henceforth.

9. In view of the aforesaid circumstances emerging on record the impugned order dated 17.01.2026 is quashed and set aside. As a sequel, the petitioner is enlarged on bail subject to his furnishing personal and two local sureties bonds, to the satisfaction of the learned trial Court. The bail shall however be subject to the following conditions:

i) That petitioner shall regularly attend the Court on each and every date of hearing and if prevented by any reason to do so, seek exemption from appearance by filing an appropriate application beforehand;

ii) That the petitioner shall not tamper with the prosecution evidence nor intimidate, threaten or coerce the witnesses conversant with the facts of the case;

iii) That the petitioner shall not leave the territory of India without the express permission of the Court, he shall surrender passport, if any, before the learned trial Court;

10. It is further clarified that in case the petitioner misuses the liberties so granted, the discretion of bail shall stand forfeited and the petitioner shall be committed to prison till the culmination of

the trial.

11. Any of the observations made herein shall not be construed to be a reflection on the merits of the case and shall remain confined only for the purposes of the disposal of the present petition.

12. The petition stands accordingly disposed off, so also the pending miscellaneous application, if any. A copy of this order be sent to the Superintendent, District Jail Kaithu, District Shimla, H.P. and the learned Trial Court by **FASTER.**

(Chirag Bhanu Singh)
Judge

30.10.2026
(Ritu)

RITU RANI
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