 2026:HHC:49534

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CrMP(M) Nos.: 1737 & 1738 of 2026

Reserved on : 17th November, 2026

Decided on : 18th November, 2026

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1. **CrMP(M) No.1737 of 2026**

Anurag Sharma ...Applicant

Versus

State of Himachal Pradesh and another ...Respondents

2. **CrMP(M) No.1738 of 2026**

Kartar Singh ...Applicant

Versus

State of Himachal Pradesh and Another ...Respondents

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The Hon'ble Mr. Justice Virender Singh, Judge.

Whether approved for reporting?[1] *Yes.*

For the applicant(s) : Mr. N.S. Chandel, Senior Advocate, with Ms. Kanika Verma, Advocate, in both the applications.

For the respondents : Mr. Mohinder Zharaick, Additional Advocate General, for respondent No. 1, in both the applications.

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

Mr. Janesh Mahajan, Advocate, for respondent No.2, in both the applications.

Virender Singh, Judge

The above title applications are being disposed of by the common order, as, both these applications have been filed by the applicants, under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as 'BNSS'), seeking their release, on bail, during the pendency of the trial, in case arising out of **FIR No. 60 of 2024, dated 1st April, 2024,** registered under **Sections 21 and 29 of the Narcotic Drugs and Psychotropic Substances Act** (hereinafter referred to as the 'NDPS Act'), with **Police Station Balh, District Mandi, H.P.**

2. According to the applicants, they are innocent persons and falsely been implicated, in the present case.

3. As per the applicants, the investigation of the present case is almost complete, and the custodial interrogation of the applicants is no longer required.

4. It is the further case of the applicants that the police could not collect any direct or indirect evidence

connecting the applicants with the crime in question. According to them, they have been falsely implicated in the present case, as, the father of co-accused Deepak Singh Verma, filed Criminal Writ Petition No.19 of 2024, which was allowed by this Court, vide judgment dated 17.12.2024, and FIR No.106 of 2024 dated 12.04.2024, under Sections 285 and 120-B of the IPC, was registered with Police Station Balh, and the investigation of the same was transferred to the CBI. According to them, even, in the judgment dated 17.12.2024, it has been indicated that the applicants have been falsely implicated, in the present case.

5. All these facts have been pleaded to demonstrate that the rigors of Section 37 of the NDPS Act are not applicable, in the present case.

6. The applicants have tried their luck by moving the applications for bail before the Court of learned Special Judge-III, Mandi, District Mandi, H.P., however, their applications were dismissed.

7. According to applicant Kartar Singh @ Taru, seven cases were registered against him, and in para IX of

the application, he has given the details of those cases. However, according to him, in the cases, at Sl. No.'f' and 'g', in which, he has been convicted, he has preferred appeals before the High Court.

8. So far as applicant Anurag Sharma is concerned, he has pleaded that no other case, except the present one, has been registered against him.

9. Both the applicants have sought the relief of bail on the ground of parity, as their co-accused Deepak Singh Verma has been released by this Court vide order dated 02.07.2026 passed in Cr.MP(M) No.325 of 2026.

10. In addition to this, delay in trial has also been put forward as a ground to release them on bail.

11. Apart from this, Sh. N.S. Chandel, Senior Advocate, assisted by Ms. Kanika Verma, Advocate, has given certain undertakings, on behalf of the applicants, for which, the applicants are ready to abide by, in case, the applicants are ordered to be released on bail, during the pendency of the trial.

12. On the basis of the above facts, a prayer has been made to allow the applications.

13. When, put to notice, the police has filed the status report, disclosing therein, that the applicants have been apprehended with huge quantity of heroin/chitta. According to the police, heroin/chitta, weighing 287 grams, was found from the exclusive and conscious possession of the applicants.

14. The prayer for bail has been opposed, on the basis of the FIR, registered in the present case, in which, it has been mentioned that on 31st March, 2024, ASI Dev Raj, Incharge, Police Post Rewalsar, District Mandi, had left the Police Post, alongwith other police officials, for patrolling duty, towards Sidhyani, in a private vehicle. At Sidhyani, a secret information was received, regarding the indulgence of the occupants of vehicle No. TO124HP866A (Alto Car), who were coming from Ambala Galu side towards Nerchowk. As per the information, they were having heroin/chitta in their possession and if the said vehicle is searched, then, large quantity of heroin/chitta could be recovered.

14.1. The said information, according to the IO, was found to be authentic and reliable, and, due to paucity of

time, in case, efforts were made to get the search warrants, then, in that eventuality, there was the possibility of removing the contraband from there. As such, the provisions of Section 42 (2) of the NDPS Act were complied with and the information was submitted to DySP (Headquarters), Mandi, through Constable Sunil Kumar.

14.2. Thereafter, picketing was done at Village Banon, near Baba Balak Nath Temple. Meanwhile, the IO noticed two pedestrians, coming from Kalkhar side, who were going towards Sidhwani. Both the said persons were apprised about the situation and were requested to be the independent witnesses, upon which, both of them had agreed to be the independent witnesses. On inquiry, one person disclosed his name as Girdhari Lal and the another, as Krishan Chand. Both were associated as independent witnesses and thereafter, they waited for the car, as per the secret information.

14.3. It is the further case of the police that at about 9.05 pm, a car, being driven by its driver, was found coming from Kalkhar side, upon which, the IO signalled to stop the said vehicle. The driver stopped the car on the left side of the road. On checking, the registration number of the vehicle was found to be TO124HP866A. Apart from the person on the wheel, two more persons were found sitting the vehicle; one was sitting on the front seat and the other was found sitting on the rear seat.

14.4. Thereafter, the IO, in the presence of the witnesses, apprised the occupants of the car, regarding the secret information and also about his intention to search the vehicle. The names and addresses of the occupants of the car were ascertained. The person on the wheel disclosed his name as Deepak Singh Verma, whereas, the another person sitting on the front seat, disclosed his name as Kartar Singh (applicant) and the person sitting on the rear seat, disclosed his name as Anurag Sharma (applicant).

14.5. Subsequently, the car was searched at about 9.40 pm. When, the foot mat of the front seat was checked, then, under the foot mat, an olive green coloured kit bag was found, which, on opening, was found containing a transparent polythene pouch. When, the said polythene pouch was unzipped, then, white coloured granular substance was found, which, on checking, was found to be heroin. The occupants of the car also confirmed the said substance to be heroin. On weighment, the said heroin/chitta was found to be 287 grams.

14.6. Other codal formalities were complied with. Subsequently, the contraband was taken into possession and the accused persons were arrested.

14.7. In addition to this, the police, in the status report, has submitted that the contraband was, thereafter, sent to SFSL, Junga, from where, the positive report has been received. After the completion of the investigation, the police has filed the charge sheet and in

the trial, out of 30 prosecution witnesses, 20 witnesses have already been examined.

15. The factual position, with regard to the registration of FIR No.106 of 2024, under Sections 120-B and 385 IPC, with Police Station Balh, on the complaint, moved on 11th April, 2024, by the father of the applicant (petitioner in CrWP No. 19 of 2024), as well as, the transfer of the investigation of the said case, to CBI, has also not been disputed.

16. According to the police, there is nothing on the record, on the basis of which, at this stage, the findings, in favour of the applicants, to meet the rigours of Section 37 of the NDPS Act, could be recorded.

17. Lastly, it has been pleaded that the trial is at the verge of conclusion, and as such, a prayer has been made to dismiss the applications.

18. In addition to this, it has also been argued by the learned Additional Advocate General that the applicants have miserably failed to make out a case, in which, findings could be recorded that they are not guilty

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of such offense and while on bail they are not likely to commit any offense. In order to buttress such contentions, the criminal history of Kartar Singh has also been put forward.

19. So far as the criminal history of applicant Kartar Singh is concerned, though he has been convicted in two cases, under the NDPS Act, but, one fact is not in dispute that the judgments of conviction have not attained finality, as, appeals against the conviction are still pending. As such, the said conviction cannot be considered as an impediment to consider the case of applicant Kartar Singh for releasing him on bail.

20. In this case, the applicants have sought the relief of bail on the ground of parity, by relying upon the order, passed by this Court, in Cr.MP(M) No.325 of 2026, which was decided on 02.07.2026, and the co-accused of the applicants, namely Deepak Singh Verma, was ordered to be released on bail.

21. As per the stand taken by the police, when the picketing was done at Village Banon, near Baba

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Balak Nath Temple, a car bearing temporary registration No.TO124HP 866A, being driven by accused Deepak Singh Verma, reached there, and when the said vehicle was intercepted, on inquiry, the driver of the vehicle disclosed his name as Deepak Singh Verma and other occupants disclosed their names as Kartar Singh and Anurag Sharma (applicants). Thereafter, on search of the vehicle, under the foot mat, an olive green colored kit bag was found, which, on opening, was found containing another polythene pouch, containing contraband, which was found to be heroin, and on weighing, the same was found to be 287 grams. Meaning thereby, the role attributed to all the three accused persons is the same.

22. When the same role has been attributed to all the accused persons, then, on the ground of parity, the applicants are entitled to the relief of bail.

23. In the bail application of Deepak Singh Verma, the decision of the Division Bench rendered in Criminal Writ Petition No.19 of 2024 has been relied upon. The relevant paragraphs 50 to 56 and 62, of the

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decision of this Court in Criminal Writ Petition No.19 of 2024, are reproduced, as under:

> *50. In above backdrop, even the police prima facie has concluded that Raj Kumar and Deepak were present along with Deepak, Kartar and Anurag at Om Shanti Bhojnalaya during day time on 31.3.2024 and on the same day they had committed the offence of extortion by calling petitioner demanding money under the threat of implication of his son in case under NDPS Act.*
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> *51. The police have not explained as to how Raj Kumar and Deepak had been aware about the future involvement of son of petitioner in offence under NDPS Act. Admittedly the extortion calls to the petitioner from Raj Kumar and Deepak had preceded the alleged recovery of contraband from the car of son of petitioner.*
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> *52. One thing is evidently clear that police have shown reluctance in probing the allegations against the ASP.*
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> *53. It has been alleged by petitioner that he had seen ASP driving the car of his son immediately before the alleged apprehension of said car for commission of offence under NDPS Act. Even it is alleged that petitioner had seen ASP alighting from said car of son of petitioner. He has been identified to be the same person who is visible in video clips from CCTV footage allegedly obtained by petitioner from Om Shanti Bhojnalaya, Kalkhar of dated 31.3.2024 opening the door of car of the son of petitioner and driving it towards Ner Chowk.*
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> *54. Police has admitted that the ASP was present on the spot of alleged recovery of contraband from the car of the son of petitioner immediately before the time of said recovery. It*

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has also been admitted that ASP had interaction with petitioner. Noticeably, police have not categorically ruled out the allegation that petitioner had seen ASP driving the car of his son. It has also not been ruled out that ASP was also present outside Om Shanti Bhojnalaya during afternoon of 31.3.2024. What was sensed by us during the hearings of the petition that no effort whatsoever was being made to investigate the above noticed angle. Rather, it was pursuant to orders of this Court that the police belatedly are stated to have sent to SFSL the video clips for analysis and identity of ASP.

55. We are of the view that the reluctance shown by police to carry investigation to rule out all possible hypothesis more particularly the angle pointed out, rather alleged by petitioner is sufficient to infer absence of un biased investigations. The delay in lodging the FIR can also not be seen without suspicion.

56. It cannot be ignored that serious allegations with the backing of some kind of tangible material, as possible evidence, have been levelled against a senior police official of the district.

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62. We have already highlighted the strong evidence indicating gross portrayal of inadequacy by the state Police. The conduct displayed by the Police prima facie can also not be said to be un-biased. There are allegations against the senior police official. Having held violation of fundamental right of the victim at the hands of state law enforcing agency and also to uphold right of discovery of truth, we find it to be a fit case to direct the Director General of Police Himachal Pradesh to transfer the investigation of case FIR No. 106/2024 dated 10.6.2024 registered under

sections 385, 120-B IPC to the Superintendent of Police, Central Bureau of Investigation, Shimla, who is also directed to immediately register Crime report in the incident and to carry investigations thereafter to its logical end. The State Police through its DGP is further directed to provide all original records relating to matter in question to the CBI within three days."

(self emphasis supplied)

24. In view of the decision of this Court in Criminal Writ Petition No.19 of 2024, which, admittedly, has now attained finality, at this stage, it can be said that the twin conditions, as enumerated, under Section 37(1)(b)(ii) of the NDPS Act are existing in favour of the applicants.

25. In view of the above discussion, it can be safely said, at this stage, that there is sufficient material available on the record, for this Court to record its satisfaction that there are reasonable grounds for believing that the applicants are not guilty of such offence and that, they are not likely to commit any offence, while on bail, Moreover, for the second condition, reasonable conditions can be imposed, upon the applicants.

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26. Considering all these facts, this Court is of the view that the bail applications are liable to be allowed and are accordingly allowed.

27. Consequently, the applicants are ordered to be released on bail, during the pendency of the trial, arising out of **FIR No.60 of 2024, dated 1st April, 2024,** registered under **Sections 21 and 29 of the NDPS Act**, with **Police Station Balh, District Mandi, H.P.** on their furnishing bail bonds, in the sum of ₹1,00,000/-, each, with two sureties each of the like amount, to the satisfaction of the learned trial Court. This order, however, shall be subject to the following conditions:

> *a) The applicants 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;*
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> *b) The applicants shall not tamper with the prosecution evidence nor hamper the investigation of the case in any manner whatsoever;*
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> *c) The applicants 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;*

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d) The applicants shall not leave the territory of India without the prior permission of the Court; and

e) The applicants shall furnish an affidavit by tenth day of every month, before the learned trial Court, disclosing therein that they have not been named, as accused, in any other case, during that period.

28. 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 applications.

29. 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 applicants.

30. The Registry is directed to forward a soft copy of the bail order to the Superintendent Jail, District Jail, Hamirpur, as well as, Superintendent Jail, District Jail, Bilaspur, through e-mail, with a direction to enter the date of grant of bail in the e-prison software.

31. In case, the applicants are not released within a period of seven days from the date of grant of bail, the Superintendent Jail, District Jail, Hamirpur, as well as,

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Superintendent Jail, District Jail, Bilaspur, are directed to inform this fact to the Secretary, DLSA, Hamirpur/ Bilaspur. The Superintendent Jail, District Jail, Hamirpur, as well as, Superintendent Jail, District Jail, Bilaspur, is further directed that if the applicants fail 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

November 17, 2026 *(ps)*

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