IN THE HIGH COURT OF HIMACHAL PRADESH AT SHIMLA

Cr.MP(M) No. 1830 of 2026
Reserved on 18th November, 2026
Decided on 19th November, 2026

Anmol Deep Singh **…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. Khem Raj, Advocate.**

For the respondent/State **: Mr. Prashant Sen, Deputy Advocate General.**

Chirag Bhanu Singh, Judge

The petitioner has preferred a petition under Section 483 of Bharatiya Nagarik Suyraksha Sanhita, 2023 (for short "BNSS") seeking post-arrest bail in case FIR No.232 of 2025, dated 25.09.2025 registered at Police Station Sadar Chamba, District Chamba, H.P., under Section 21 of the Narcotic Drugs and Psychotropic Substances Act (hereinafter referred to as "the Act").

2. The facts which emerge from the status report so filed by respondent-State, is that on 25.09.2025, HC Sohan Lal,

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

Investigating Officer along with police team was on patrolling. At about 8:10 PM, he had setup a Nakka, at the Zero point on Saru-Dulla Road. At about the same time, one Car bearing Registration No.HP09B-1387, white in colour had come from Banikhet-Saru side. The vehicle had been signalled to stop. The driver of the vehicle had disclosed his name as Sobhiya. While the Investigating Officer was talking to the occupant of the car another person was noticed coming from Chamba side, who was carrying a bag on his right shoulder. On seeing the police party, he had turned back and tried to flee towards Saru. On being asked to stop, he started running from the spot and had thrown the bag on the left hand side of the road. After a short chase, the said person was apprehended by the police party.

3. He looked scared and was nervous. On inquiry, he had disclosed his name as Anmol Deep Singh (the present petitioner) son of Shri Harcharan Singh, resident of village Salidin, Post Office Khatri Kalan, Tehsil Ajnala, District Amritsar (Punjab). The driver of the car Sobhiya was associated as an independent witness and in his presence, the Investigating Officer had picked up the bag thrown by the petitioner.

4. On checking the bag, in the presence of the independent witness, apart from one Pajama, jeans, trouser and two T-shirts, one transparent polythene packet tied with a knot was recovered. On opening the transparent polythene, a brown coloured granular substance was found. On checking with the drug detection kit, it was found to be heroin (Chitta). On weighing, it was found to be 19.52 grams.

5. After following the codal formalities, the Investigating Officer had taken into possession the contraband. The accused came to be arrested at the spot and presently, he is in judicial custody.

6. As per the status report itself, the accused during the course of the investigation had disclosed that he was habituated to the drugs and previously a case stood registered against him at Chamba and he had come to meet his lawyer.

7. I have heard the learned counsel for the parties and gone through the records meticulously.

8. It was urged with vehemence by the learned counsel for the petitioner that “intermediate” quantity of contraband had been recovered from the petitioner, and as such, the rigors of

Section 37 would not apply with the same force. No doubt, four other cases stand registered against the petitioner under the Act, but in the other two cases too, the quantity recovered from the petitioner was small in quantity, being 3.31 grams and 7.27 grams of Chitta. In the other two cases, relating to puppy husk, he has been impleaded as an accused only under Section 29 of the NDPS Act. Seeing to the quantity of contraband recovered, the petitioner was entitled to the discretion of bail, moreover, he being an addict and not a peddler.

9. Per contra Mr. Prashant Sen, the learned Deputy Advocate General for the State has vociferously urged that keeping in view the past antecedents of the petitioner, it seems that his *modus operandi* is to carry small quantity of contraband. There are chances that the petitioner may again indulge in same and similar activities in the future too. The discretion of bail, thus, cannot be exercised in his favour.

10. The perusal of the report does show that the quantity of contraband recovered in the present case is indeed “less than commercial”, being 19.52 grams of heroin (Chitta) and as such, the rigors of Section 37 will not *stricto sensu* apply in the facts and

circumstances of the present case with the same vigour. The recovery is also not solely attributed to the petitioner.

11. The registration of the earlier cases under the Act is, however, suggestive of the fact that the petitioner is an habitual offender. However, out of the four cases, the contraband recovered in two cases was small in quantity and in two cases, he has been impleaded as an accused only under Section 29 of the NDPS Act.

12. It further transpires from the record that the charge-sheet has already been filed. The culmination of the trial is thus likely to take sufficient time. Pre-trial incarceration is otherwise generally loathed by the Courts, as has been held by the Hon'ble Supreme Court in catena of decisions including ***Union of India vs. K.N. Nazeeb 2021 (3) SCC 713*** & ***Javed Gulam Nabi Shaikh vs. State of Maharashtra*** & ***Another (Criminal Appeal No.2787 of 2024 decided on 03.07.2024).***

13. "Bail, not jail" is the golden thread which has been running right through the various judgments rendered by the Hon'ble Supreme Court starting from ***Gurbaksh Singh Sibbia & Others v. State of Punjab, (AIR 1980 SC 1632)***, which has

consistently been followed till the decision rendered in ***P. Chidambaram v. Directorate of Enforcement, (AIR 2019 SC 4198)***. The object of granting bail was further elucidated in ***Sanjay Chandra & Others v. Central Bureau of Investigation, (AIR 2012 SC 830)***. The Hon'ble Supreme Court has further reiterated that grant of bail was a general rule, as was categorically held in ***Dataram Singh v. State of Uttar Pradesh, [(2018) 3 SCC 22 : AIR 2018 SC 980]***.

14. The Hon’ble Supreme Court and this Court, in a catena of decisions, have repeatedly held that an accused is presumed to be innocent until proven guilty. The trial is still at its inception and is likely to take sufficient time. Even otherwise, the quantity of contraband recovered in the present case is intermediate.

15. Though a repeat offender under normal circumstances this Court would not have exercised discretion in his favour but seeing to the peculiar circumstances, discussed above and keeping in view the fact that the quantity of contraband recovered from the accused in the present case is less than commercial and the trial is likely to take time, it would in the

interest of justice and fair play that the discretion of bail exercised in his favour, but subject to strict terms.

16. As a sequel, while allowing the present petition, it is directed that in case the petitioner is, henceforth, found to be indulging in any similar activity and an FIR is registered against him under the provisions of the Act, not only the present bail granted shall stand forfeited but, the State would be at liberty to take steps for seeking preventive detention of the petitioner or for sending him for treatment or reformation.

17. For all the reasons discussed hereinabove, the bail petition is thus allowed. As a sequel, the petitioner is ordered to be released on bail subject to his furnishing bail bonds to the tune of Rs.50,000/- with two local sureties of the like amount, to the satisfaction of the learned trial Court subject to the following conditions:-

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

ii) That the petitioner shall put in appearance before the Investigating Officer or the Court as and when directed;

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 investigating agency;

iv) If the bail petitioner is found to be indulging in similar cases in the future and an FIR is registered against him under the NDPS Act, his bail shall be liable to be cancelled forthwith and the State shall also be at liberty to take steps for seeking preventive detention of the petitioner or for sending him for treatment or reformation.

18. 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 for the purposes of the disposal of the present petition.

19. The petition stands accordingly disposed of. A copy of this order be sent to the Superintendent, District Jail Chamba, District Chamba, H.P. and the learned Trial Court by **FASTER.**

20. Petition stands disposed off in the aforesaid terms, so also the pending miscellaneous applications, if any.

(Chirag Bhanu Singh)
Judge

19th November, 2026
(subhash sharma)

RITU RANI
Digitally signed by RITU RANI
Date: 2026.11.19 15:47:09 +0545