IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Cr. MP(M) No. 2059 of 2026
Reserved on: 27.10.2026.
Decided on: 02.11.2026

Mangat Mohd. .... Petitioner

Versus

State of H.P. .... Respondent

Coram
Hon'ble Mr Justice Rakesh Kainthla, Judge.
Whether approved for reporting?[1] No

For the Petitioner : Ms Kiran Dhiman, Advocate.
For the Respondent/State : Mr P.K. Nadda, Additional Advocate General.

Rakesh Kainthla, Judge

The petitioner has filed the present petition seeking regular bail in FIR No. 44 of 2023 dated 10.02.2023 registered at Police Station Sadar, District Mandi, HP for the commission of offences punishable under Sections 20 and 29 of the Narcotic Drugs and Psychotropic Substances Act (NDPS Act).

2. It has been asserted that the petitioner is innocent and he was falsely implicated at the instance of some interested persons.

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

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The police have completed the investigation and filed the charge sheet before the Court. The petitioner was arrested on 10.02.2023, and the prosecution has not completed the evidence. The prosecution has cited 35 witnesses, and the trial is not likely to conclude soon. The petitioner had filed bail petitions which were registered as Cr. M.P (M) Nos. 2272 of 2024, 2871 of 2025 and 507 of 2026, and were dismissed on 06.12.2024, 11.03.2026, and 26.05.2026, respectively. The petitioner's right to speedy trial is being violated. Hence, it was prayed that the present petition be allowed and the petitioner be released on bail.

3. The petition is opposed by filing a status report. It was asserted that the police had stopped the vehicle on 10.02.2023 at about 12:55 p.m. The petitioner, Mangat Mohammed, was driving the vehicle and the co-accused Hardik Chawda was sitting as a passenger. Hardik Chawda picked up a bag from the rear seat and tried to give it to the petitioner, but the petitioner pushed the bag towards Hardik Chawda. The police became suspicious and searched the vehicle in the presence of independent witnesses. 4.234 kg of Charas was found in the bag. The police seized the vehicle and Charas and arrested the petitioner and the co-accused. Hardik Chawda disclosed that he had visited Kasol on 02.02.2023 and called

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Mangat Muhammad on 08.02.2023. They had purchased the Charas from an unknown person for ₹2,00,000/-. However, they could not identify him because he was wearing a mask. The Charas was sent to SFSL Junga, and it contained 37.46% w/w Resin as per the report of SFSL Junga. The call detail records of the petitioner and co-accused were obtained, and it was found that they were in contact with each other from 08.02.2023 till 10.02.2023. The mobile phone was registered in the name of Hardik Chawda's mother. It was found from the call detail record of the petitioner, Mangat Mohammad, that he had visited Kullu from Chandigarh three times between 05.02.2023 and 09.02.2023. His location was found to be at Ajijpur Toll Plaza, Punjab, where he had paid the toll tax for the vehicle bearing registration no. PB-01B-9156 at 3:34 p.m. The petitioner and the co-accused were found in the vehicle from which the recovery of Charas was effected. The owner issued a certificate stating that Mangat Muhammad was the driver. The co-accused, Hardik Chawda, was in touch with the owner and had called him 212 times during the last year. The petitioner, Mangat Muhammad, and Hardik Chawda were in touch with each other w.e.f. 08.02.2023 till 10.02.2023 about seven times. The prosecution has cited 35 witnesses, and the statements of 4 witnesses are yet to be recorded. The matter is listed

before learned Special Judge-1, Mandi on 23.11.2026 for recording the statements of prosecution witnesses. Hence, the status report.

4. I have heard Ms Kiran Dhiman, learned counsel for the petitioner and Mr Pawan Kumar Nadda, learned Additional Advocate General for the respondent/State.

5. Ms Kiran Dhiman, learned counsel for the petitioner, submitted that the co-accused Hardik Chawda has been granted bail by the Hon'ble Supreme Court of India on the ground of delay in the progress of the trial. The petitioner was also found in the same vehicle and is entitled to bail on the principle of parity. Therefore, she prayed that the present petition be allowed and the petitioner be released on bail.

6. Mr Pawan Kumar Nadda, learned Additional Advocate General for the respondent/State, submitted that the prosecution has almost completed the evidence, and only the statements of four witnesses are to be recorded. The matter is listed before the learned Trial Court on 23.11.2026 for recording the statements of prosecution witnesses. The trial would be concluded on the date fixed, and there is no delay in the progress of the trial. The petitioner had earlier filed bail petitions which were dismissed by this Court, and there is no

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change of circumstances. Hence, he prayed that the present petition be dismissed.

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

8. It is undisputed that the petitioner had filed bail petitions which were registered as CrMP(M) No. 2272 of 2024, Cr.MP(M) No. 2871 of 2025, and Cr.MP(M) No. 507 of 2026, and were dismissed on 06.12.2024, 11.03.2026 and 26.05.2026, respectively. It was laid down in the ***State of Maharashtra. Captain Buddhikota Subha Rao (1989) Suppl. 2 SCC 605,*** that once a bail application has been dismissed, a subsequent bail application can only be considered if there is a change of circumstances. It was observed:

> "Once that application was rejected, there was no question of granting a similar prayer. That is virtually overruling the earlier decision without there being a change in the fact situation. And when we speak of change, we mean a substantial one, which has a direct impact on the earlier decision and not merely cosmetic changes, which are of little or no consequence. 'Between the two orders, there was a gap of only two days, and it is nobody's case that during these two days, drastic changes had taken place necessitating the release of the respondent on bail. Judicial discipline, propriety and comity demanded that the impugned order should not have been passed, reversing all earlier orders, including the one rendered by Puranik, J., only a couple of days before, in the absence of any substantial change in the fact situation. In such cases, it is necessary to act with restraint and

> circumspection so that the process of the Court is not abused by a litigant and an impression does not gain ground that the litigant has either successfully avoided one judge or selected another to secure an order which had hitherto eluded him.

9. Similarly, it was held in ***Kalyan Chandra Sarkar v. Rajesh Ranjan @ Pappu Yadav (2004) 7 SCC 528*** that where an earlier bail application has been rejected, the Court has to consider the rejection of the earlier bail application and then consider why the subsequent bail application should be allowed. It was held:

> "11. In regard to cases where earlier bail applications have been rejected, there is a further onus on the court to consider the subsequent application for grant of bail by noticing the grounds on which earlier bail applications have been rejected and after such consideration, if the court is of the opinion that bail has to be granted then the said court will have to give specific reasons why despite such earlier rejection the subsequent bail application should be granted."

10. A similar view was taken in ***State of T.N. v. S.A. Raja, (2005) 8 SCC 380***, wherein it was observed:

> **9.** When a learned Single Judge of the same court had denied bail to the respondent for certain reasons, and that order was unsuccessfully challenged before the appellate forum, without there being any major change of circumstances, another fresh application should not have been dealt with within a short span of time unless there were valid grounds giving rise to a tenable case for bail. Of course, the principles of *res judicata* are not applicable to bail applications, but the repeated filing of bail applications without there being any change of circumstances would lead to bad precedents.

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11. This position was reiterated in ***Prasad Shrikant Purohit v. State of Maharashtra (2018) 11 SCC 458***, wherein it was observed:

> **30.** Before concluding, we must note that though an accused has a right to make successive applications for the grant of bail, the court entertaining such subsequent bail applications has a duty to consider the reasons and grounds on which the earlier bail applications were rejected. In such cases, the court also has a duty to record the fresh grounds which persuade it to take a view different from the one taken in the earlier applications.

12. It was held in ***Ajay Rajaram Hinge v. State of Maharashtra, 2023 SCC OnLine Bom 1551,*** that a successive bail application can be filed if there is a material change in the circumstances, which means a change in the facts or the law. It was observed:

> **7.** It needs to be noted that the right to file successive bail applications accrues to the applicant only on the existence of a material change in circumstances. The sine qua non for filing subsequent bail applications is a material change in circumstances. A material change in circumstances settled by law is a change in the fact situation or law which requires the earlier view to be interfered with or where the earlier finding has become obsolete. However, a change in circumstances has no bearing on the salutary principle of judicial propriety that successive bail applications need to be decided by the same Judge on the merits, if available at the place of sitting. There needs to be clarity between the power of a judge to consider the application and a person's right based on a material change in circumstances. A material change in circumstances creates in a person accused of an offence the right to file a fresh bail application. But the power to decide such a subsequent application operates in a completely different sphere, unconnected with the facts of a case. Such power is

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> based on the well-settled and judicially recognised principle that if successive bail applications on the same subject are permitted to be disposed of by different Judges, there would be conflicting orders, and the litigant would be pestering every Judge till he gets an order to his liking, resulting in the credibility of the Court and the confidence of the other side being put in issue, and there would be wastage of the Court's time and that judicial discipline requires that such matter must be placed before the same Judge, if he is available, for orders. The satisfaction of material change in circumstances needs to be adjudicated by the same Judge who had earlier decided the application. Therefore, the same Judge needs to adjudicate whether there is a change in circumstances as claimed by the applicant, which entitles him to file a subsequent bail application."

13. Therefore, the present bail petition can only be considered based on the change in the circumstances, and it is impermissible to review the order passed by the Court.

14. It was submitted that the co-accused Hardik Chawda has been enlarged on bail by the Hon'ble Supreme Court of India in SLP Criminal No. 13176 of 2026 on 01.10.2026, which is a change in the circumstances and the petitioner is entitled to bail on the principle of parity. This submission has force. The status report mentions that the police had intercepted a vehicle bearing registration No. PB-01B-9156 and had found the petitioner and Hardik Chawda in the vehicle. The Hon'ble Supreme Court has enlarged Hardik Chawda on bail on the ground that the period of incarceration undergone by him was

more than 3 years and 6 months and the fact that the trial had not concluded was sufficient to grant bail to the co-accused. The petitioner was also apprehended along with Hardik Chawda, and if the period of incarceration undergone by Hardik Chawda was such as would entitle him to bail, the similar consideration would apply to the present petitioner as well. Therefore, the submission made on behalf of the petitioner is to be accepted as correct that the petitioner is entitled to bail on the principle of parity.

15. The Hon'ble Supreme Court had released the co-accused Hardik Chawda on bail on such terms and conditions as may be imposed by the learned Trial Court. Since the petitioner is being granted bail on the principle of parity, similar conditions are to be imposed in the case of the petitioner as well.

16. Therefore, the present petition is allowed, and the petitioner is ordered to be released on bail on such terms and conditions as may be imposed by the learned Trial Court and have been imposed in the case of co-accused Hardik Chawda.

17. A copy of this order be sent to the Jail Superintendent of Model Central Jail, Kanda, District Shimla, H.P.[2] and the learned Trial Court by FASTER.

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[2] Correction carried out in compliance of order dated 3.11.2026.

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18. The observations made hereinabove are regarding the disposal of these petitions and will have no bearing whatsoever on the merits of the case.

(Rakesh Kainthla)
Judge

2nd November, 2026
(Nikita)

NIKITA THAKUR

Digitally signed by NIKITA THAKUR
Date: 2026.11.03 15:32:51 +0000