IN THE HIGH COURT OF HIMACHAL PRADESH AT SHIMLA

Cr. MP(M) No. 2082 of 2026
Decided on : 28.10.2026

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Brijesh

...Applicant

Versus

State of H.P.

...Respondent

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Coram
Hon'ble Mr. Justice Virender Singh, Judge
Whether approved for reporting?

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For the Applicant : Mr. Vijender Katoch, Advocate.

*For the* Respondent *:* Mr. H.S. Rawat, Mr. Mohinder Zharaick, Additional AGs with Mr.Rohit Sharma, Dy. AG.

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Virender Singh, Judge (oral)

Applicant Brijesh has filed the present application, under Section 483 of Bharatiya Nagarik Suraksha Sanhita (hereinafter referred to as 'the BNSS') for releasing him, on bail, during the pendency of the trial, arising out of **FIR No. 212 of 2024, dated 6.12.2024, registered under Sections 21 and 29 of the Narcotic Drugs and Psychotropic**

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

2. As per the record, the bail application of applicant Brijesh, bearing Cr.M.P.(M) No. 2549 of 2025, has been allowed, by this Court, on 3.11.2025. However, on 1.9.2026, when, the case was listed before the learned Special Judge-III, Kangra at Dharamshala, H.P. (hereinafter

referred to as, 'the trial Court') for PWs, the applicant could not put appearance, as such, his bail bonds were cancelled and forfeited to the State of H.P.

3. Thereafter, the applicant moved application for releasing him on bail, however, his bail application was dismissed, vide order dated 1.10.2026.

4. According to the applicant, he could not put appearance, before the learned trial Court, on

1.9.2026, on account of the fact that non-bailable warrants were issued against him, by the Court of learned Judicial Magistrate First Class, Kangra, in some other case, and due to the said fact, neither he could put appearance, before the learned trial Court, nor inform his counsel the said fact.

5. The contraband, involved in the present case, does not fall within the definition of 'commercial quantity' and his criminal history has already been considered by this Court, while deciding Cr.M.P.(M) No. 2549 of 2025.

6. In such situation, the order dated 1.10.2026, passed by the learned trial Court, is ordered to be set aside, and the applicant is ordered to be released on bail, in case **FIR No. 212 of 2024, dated 6.12.2024, registered under Sections 21 and 29 of the NDPS Act,** registered with Police Station, Kangra, District Kangra, H.P., on his furnishing personal bond in the

sum of Rs. 1,00,000/-, with two sureties, in the like amount, to the satisfaction of learned trial Court.

7. 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 the appropriate application;*
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> *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.*

8. Any of the observations, made herein above, 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.

9. 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 applicant.

10. The Registry is directed to forward a soft copy of the bail order to the Superintendent of Lala Lajpat Rai District Air Correctional Home, Dharamshala, through e-mail, with a direction to enter the date of grant of bail in the e-prison software.

11. In case, the applicant is not released within a period of seven days from the date of grant of bail, the Superintendent of Lala Lajpat Rai District Air Correctional Home, Dharamshala is directed to inform this fact to the Secretary, DLSA, Kangra. The Superintendent of Lala Lajpat Rai District Air Correctional Home, Dharamshala 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**

**October 28, 2026**

(Kalpana)

KALPANA

Digitally signed by KALPANA
Date: 2026.10.28 16:45:59 +0000