IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Cr. MP(M) No. 2120 of 2026
Reserved on: 30.10.2026
Date of Decision: 04.11.2026.

Vishal Maurya .... Petitioner

Versus

State of HP .... Respondent

Coram

Hon'ble Mr Justice Rakesh Kainthla, Judge.

Whether approved for reporting?[1] No.

For the Petitioner : Mr Servedaman Rathore, 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. 26 of 2026, dated 10.2.2026, registered at Police Station Amb, District Una, HP, for the commission of offences punishable under Sections 22 and 29 of the Narcotic Drugs and Psychotropic Substances (NDPS) Act.

2. It has been asserted that, as per the prosecution, the police had received secret information on 10.02.2026 that a car

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

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bearing registration no. HP-19AB-2409 was transporting a huge quantity of narcotics. The police intercepted the car at about 6:00 p.m. The driver identified himself as Sanjeev Kumar. The police searched the car and recovered 31,800 tablets of Tramadol Hydrochloride and 3,735 tablets of Alprazolam. The police also recovered other medicines, but they were not covered within the definition of the NDPS Act. The police arrested Sanjeev Kumar, who disclosed during interrogation that Mahesh Kumar, a resident of Village Jaunpur, used to send the medicines to him through courier. He (Sanjeev Kumar) used to make the payment electronically. He also disclosed that the consignment was to be delivered to Rajinder Kumar. Sanjeev Kumar also made another disclosure statement leading to the recovery of a mobile phone. The police called Ashwani Maurya and Vishal Maurya (the present petitioner) to the police station on 21.04.2026 and found that they had sent the consignment to Sanjeev Kumar in the name of Sanjeevni Medical Store by mentioning the name of the sender as Mahesh Sharma and mentioning the mobile number of the petitioner. The police seized the mobile phone and arrested Ashwani Maurya and Vishal Maurya. Ashwani Maurya disclosed that he had a medical agency of generic medicines in the name

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and style of Ghanshyam Medical Agency and Vishal was working with him. They used to supply medicine to various persons. They had supplied 159 boxes of Tramadol to Sanjeevni Medical Store on 6.02.2026 through DTDC Courier Company. The police found that no person by the name of Mahesh existed and the mobile number mentioned on the courier belonged to Vishal Maurya, the present petitioner. The police arrested the petitioner. The allegations against the petitioner are false, and they are based upon the statement made by Sanjeev Kumar. Sanjeev Kumar had stated that the mobile number mentioned by the police as belonging to the petitioner was never used to contact him. The grounds of arrest were not communicated to the petitioner at the time of his arrest. The police have completed the investigation, and the petitioner's custodial interrogation is not required. The petitioner would abide by the terms and conditions that the Court may impose. 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 asserting that the police were on patrolling duty on 10.02.2026. They received a secret information at about 5.15 p.m. that a vehicle bearing registration No. HP-19AB-2409 was transporting a huge quantity of

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the prohibited drugs. The information was credible and was reduced to writing, which was sent to the Sub-Divisional Police Officer (SDPO), Amb. The police associated Sehdev and Rakesh Kumar as witnesses and set up a naka. The vehicle bearing registration No. HP-19AB-2409 was intercepted at about 06.00 p.m. The driver identified himself as Sanjeev Kumar. Police searched the vehicle and recovered two cartons containing Tramadol Hydrochloride and Alprazolam. The police also found capsules of Pregabalin and Methylcobalamin, which were not mentioned in the NDPS Act. The police counted the capsules and the tablets and found 31,800 tablets of Tramadol Hydrochloride and 3,735 tablets of Alprazolam. The police seized the tablets and arrested Sanjeev Kumar. Sanjeev Kumar made a statement during custody that the tablets were sent by Mahesh Kumar, a resident of Jaunpur. Payments were made to him electronically and by depositing the amount in his account. The police checked the call detail records and found that Sanjeev Kumar had talked to Rajender. Sanjeev Kumar also produced a mobile phone. The account was registered in the name of Chander Kumar, but he could not be traced. Police traced the drugs to Ashwani Maurya and Vishal Maurya (petitioner). It was also found that the drugs were sent through the courier, and the name of the sender was

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mentioned as Mahesh Sharma. The mobile number of the petitioner, Vishal Maurya, was mentioned on the box. The mobile phones were checked, and the photographs of the box were found in the petitioner's mobile phone. The police arrested Ashwani Maurya and Vishal Maurya. The result of the analysis was received, in which it was mentioned that Dottpain was a sample of Acetaminophen, and the Alpha 0.5 was a sample of an Alprazolam tablet. The total weight mentioned on the strips was found to be incorrect, and the Drug Inspector certified that the total weight of the Alprazolam was 515.43 grams as per the reports of analysis. An application was filed for sending the bulk of the case property to FSL. It was found during the investigation that Ashwani Maurya had sent the parcel through the courier. The courier agency produced the petitioner's Aadhaar card. The petitioner's mobile number was found recorded on the courier box. The quantity is commercial. The police have completed the investigation and filed the chargesheet before the learned Additional Sessions Judge, Una on 10.04.2026, and the matter was listed on 31.10.2026 for consideration of charge. No other FIR has been registered against the petitioner. Hence, the status report.

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4. I have heard Mr Servedaman Rathore, learned counsel for the petitioner and Mr P.K. Nadda, learned Additional Advocate General, for the respondent/State.

5. Mr Servedaman Rathore, learned counsel for the petitioner, submitted that the petitioner is innocent and he was falsely implicated. The grounds of arrest were not communicated to the petitioner in writing, and the petitioner's constitutional right has been violated. The memo of arrest and the information of arrest do not bear the signature of any independent person as mandated by the Hon'ble Supreme Court in ***D.K. Basu vs. State of West Bengal, (1997) 1 SCC 416***. The main accused, Sanjeev Kumar, has been released on bail by this Court on 26.10.2026 on the ground that he had a valid Drug Licence with him. Therefore, no offence is made out against the petitioner at this stage. The petitioner's further detention is not justified. Hence, he prayed that the present petition be allowed and the petitioner be released on bail. He relied upon the judgment of the Hon'ble Supreme Court in ***Mihir Rajesh Shah vs. State of Maharashtra and another (2026) 1 SCC 500*** and the judgment of this Court passed in ***Sanjeev Kumar vs. State of H.P. bearing Cr.MP(M) No. 1699 of 2026, decided on 26.10.2026***, in support of his submissions.

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6. Mr P.K. Nadda, learned Additional Advocate General for the respondent-State, submitted that Sanjeev Kumar was found in possession of a commercial quantity of manufactured drugs and the petitioner had abated its possesson. The rigours of Section 37 of the NDPS Act apply to the present case. The petitioner had earlier filed a bail petition, which was dismissed by this Court after holding that the petitioner had not satisfied the twin conditions laid down under Section 37 of the NDPS Act. A subsequent bail petition lies only when there is a change in the circumstances, and the petitioner has not shown any change in the circumstances. Therefore, 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 earlier filed a bail petition, which was registered as Cr.MP(M) No. 924 of 2026, and was dismissed on 30.06.2026. It was rightly submitted on behalf of the State that a subsequent bail petition lies only when there is a change in the circumstances. It was held in ***State of Maharashtra. Captain Buddhikota Subha Rao (1989) Suppl. 2 SCC 605,*** that once a bail application has been dismissed, a

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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

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> 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 in spite of 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.

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

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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 that 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 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

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> applicant, which entitles him to file a subsequent bail application."

13. The petitioner submitted that the grounds of arrest were not communicated to him, and his constitutional right has been violated. This submission will not help the petitioner. It was laid down by the Hon'ble Supreme Court in ***State of Meghalaya v. Sonam Raghuvanshi, 2026 SCC OnLine SC 1392*** that when no plea regarding grounds of arrest was taken at the earliest, and no prejudice is shown, the accused is not entitled to bail. It was observed:

> **11.** We find that the respondent is not entitled to bail, both on merits and on the grounds discussed by both the Courts. There is a fundamental difference between non-service of grounds of arrest and non-furnishing of adequate reasons thereunder. While the first category might vitiate the arrest, in the second category, one has to see the prejudice caused to the accused. In the facts of the instant case, it is not as if the respondent was not served with the grounds of arrest. Hence, the case of the respondent falls within the second category discussed above. The respondent has also not taken the said plea at the earliest point of time, having done so only in her 4th Bail Application before the trial court.
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> **12.** With respect to the contention of the learned Senior Counsel for the respondent that there is no waiver of the right guaranteed under Article 22(1) of the Constitution of India and, therefore, the stage at which a plea touching upon fundamental rights is raised would not matter, we would only clarify that when an accused person files a bail application, the stage might become irrelevant. However, when the accused person warranted a finding on merits on

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the earlier occasions, it is not open for him/her to go back and raise the plea on the issue pertaining to the grounds of arrest thereafter.

13. As recorded earlier, the respondent has expressed her satisfaction on the reasons behind her arrest before the learned Judicial Magistrate. The relevant documents were, indeed, served on the respondent. Therefore, we are not inclined to go into the issue as to whether the case involves a voluntary surrender by the respondent or arrest by the appellant, followed by production before the Court. Suffice it to state that both the Courts below have committed an error in enlarging the respondent on bail, on the basis of the judgments rendered by this Court.

14. This position was reiterated in *State of* ***Rajasthan vs. Jhabra Ram, 2026 SCC OnLine 2270***, wherein it was observed:

19. In evaluating the effect of alleged procedural defects in communicating grounds of arrest, this Court in ***State of Karnataka v. Sri Darshan (2026) 8 SCC 223*** definitively established that the governing principle is the prejudice-oriented test. The Court categorically observed as follows:

> "32.5. While Section 50 CrPC is mandatory, the consistent judicial approach has been to adopt a prejudice-oriented test when examining alleged procedural lapses. The mere absence of written grounds does not ipso facto render the arrest illegal, unless it results in demonstrable prejudice or denial of a fair opportunity to defend.
>
> 32.6. The High Court, however, relied heavily on the alleged procedural lapse as a determinative factor while overlooking the gravity of the offence under Section 302 IPC and the existence of a prima facie case. It noted, inter alia, that there was no mention in the remand orders about service of memo of grounds of arrest (***SCC OnLine Kar para 45***), the arrest memos were allegedly template-based and not personalised (***SCC***

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OnLine Kar para 50), and eyewitnesses had not stated that they were present at the time of arrest or had signed the memos (***SCC OnLine Kar*** para 48). Relying on ***Pankaj Bansal v. Union of India [Pankaj Bansal v. Union of India, (2024) 7 SCC 576: (2024) 3 SCC (Cri) 450]*** and ***Prabir Purkayastha v. State (NCT of Delhi) [Prabir Purkayastha v. State (NCT of Delhi), (2024) 8 SCC 254: (2024) 3 SCC (Cri) 573]***, it concluded (SCC OnLine Kar paras 43, 49-50) that from 3-10-2023 onwards, failure to serve detailed, written, and individualised grounds of arrest immediately after arrest was a violation entitling the accused to bail.

32.7. In the present case, the arrest memos and remand records clearly reflect that the respondents were aware of the reasons for their arrest. They were legally represented from the outset and applied for bail shortly after arrest, evidencing an immediate and informed understanding of the accusations. No material has been placed on record to establish that any prejudice was caused due to the alleged procedural lapse. In the absence of demonstrable prejudice, such an irregularity is, at best, a curable defect and cannot, by itself, warrant release on bail. As reiterated above, the High Court treated it as a determinative factor while overlooking the gravity of the charge under Section 302 IPC and the existence of a prima facie case. Its reliance on ***Pankaj Bansal [Pankaj Bansal v. Union of India, (2024) 7 SCC 576: (2024) 3 SCC (Cri) 450]*** and ***Prabir Purkayastha [Prabir Purkayastha v. State (NCT of Delhi), (2024) 8 SCC 254: (2024) 3 SCC (Cri) 573]*** is misplaced, as those decisions turned on materially different facts and statutory contexts. The approach adopted here is inconsistent with the settled principle that procedural lapses in furnishing grounds of arrest, absent prejudice, do not ipso facto render custody illegal or entitle the accused to bail."

20. In examining the constitutional object underlying Article 22(1) of the Constitution and Section 47 of the

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BNSS, this Court in ***Kasireddy Upender Reddy v. State of Andhra Pradesh (2026) 8 SCC 275*** reiterated that the requirement of communicating grounds of arrest is designed to serve a substantive purpose rather than a mere formalistic routine. The Court observed as follows:

> "32. The object underlying the provision that the grounds of arrest should be communicated to the person arrested has been very succinctly explained in ***Vihaan Kumar [Vihaan Kumar v. State of Haryana, (2025) 5 SCC 799]***. On learning about the grounds for arrest, the person concerned will be in a position to make an application before the appropriate court for bail, or move the High Court for a writ of habeas corpus. Further, the information will enable the arrested person to prepare his defence in time for the purposes of his trial. For these reasons, it has been provided by the Constitution that the ground for the arrest must be communicated to the person arrested as soon as possible.
>
> 33. For clause (1) of Article 22, it is not necessary for the authorities to furnish full details of the offence. However, the information should be sufficient to enable the arrested person to understand why he has been arrested. The grounds to be communicated to the arrested person should be somewhat similar to the charge framed by the Court for the trial of a case."

21. Applying these principles to the present facts, the record clearly reflects that the respondent was fully cognizant of the grounds for his apprehension and was effectively represented by counsel at the stage of remand. The substantive mandate of Article 22(1) thus stands meaningfully fulfilled, with no demonstrable prejudice having been suffered.

22. As affirmed in ***Kasireddy Upender Reddy*** (supra) and ***State of Karnataka*** (supra), the constitutional framework requires that the arrestee be informed of the grounds of arrest but does not insist upon written communication as

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> an indispensable formality irrespective of the attendant circumstances. In the absence of demonstrable prejudice or denial of an opportunity to defend, an alleged procedural defect in the mode of service cannot *ipso facto* invalidate detention or entitle an accused to regular bail, more so in cases involving grave allegations of espionage affecting national security and sovereign integrity.

15. In the present case, the petitioner was informed about his arrest, stating that he was arrested for the commission of offences punishable under Section 22 and 29 of the NDPS Act because the source of the contraband/prohibited drugs was to be traced. Thus, the written communication of the grounds of arrest was made to the petitioner. The petitioner has not shown any prejudice. He had not taken this plea in the earlier petition, and he cannot claim to be released on bail on the ground that the grounds of arrest were not communicated to him.

16. A perusal of the judgment passed by this Court in ***Sanjeev Kumar*** (supra) shows that he was released on bail because he was found in possession of a valid drug license and no *prima facie* case was made out against him for the commission of an offence punishable under Section 21 of the NDPS Act. The petitioner has been arrayed as an accused for supplying drugs to the co-accused Sanjeev Kumar. The status report itself mentions that Ashwani Maurya, the co-accused, is running a medical

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agency in the name and style of Ghanshyam Medical Agency. Therefore, *prima facie*, the prosecution has also not made out any case against the petitioner because, as per the prosecution, he had supplied drugs to a person holding a valid drug license. Hence, the petitioner's further detention is not justified.

17. The petitioner asserted that he is a permanent resident of Jaunpur. This was not stated to be incorrect in the status report. Thus, the petitioner has roots in the society, and he is not likely to abscond if released on bail.

18. The petitioner asserted that he does not have any criminal antecedents. This was confirmed in the status report, wherein it was specifically mentioned that the petitioner does not have any criminal antecedents.

19. The police have filed the charge-sheet before the court, and the matter is listed before the learned trial Court for consideration of charge, which means that the petitioner's custodial interrogation is not required and no fruitful purpose would be served by detaining the petitioner in custody.

20. In view of the above, the present petition is allowed, and the petitioner is ordered to be released on bail subject to his

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furnishing bail bonds in the sum of ₹1,00,000/- with one surety in the like amount to the satisfaction of the learned Trial Court. While on bail, the petitioner will abide by the following conditions: -

(i) The petitioner will not intimidate the witnesses, nor will he influence any evidence in any manner whatsoever.

(ii) The petitioner shall attend the trial on each and every hearing and will not seek unnecessary adjournments.

(iii) The petitioner will not leave the present addresses for a continuous period of seven days without furnishing the address of the intended visit to the SHO concerned, the Police Station concerned and the Trial Court.

(iv) The petitioner will surrender his passport, if any, to the Court; and

(v) The petitioner will furnish his mobile number and social media contact to the Police and the Court and will abide by the summons/notices received from the Police/Court through SMS/ WhatsApp/ Social Media Account. In case of any change in the mobile number or social media accounts, the same will be intimated to the Police/Court within five days from the date of the change.

21. It is expressly made clear that in case of violation of any of these conditions, the prosecution will have the right to file a petition for cancellation of the bail.

22. The petitions stand accordingly disposed of. A copy of this order be sent to the Jail Superintendent, District Jail

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Bangarh, Tehsil & District Una, H.P. and learned Trial Court by FASTER.

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

24. A perusal of the memo communicating the grounds of arrest and information of arrest shows that no independent witness had signed it. This is a violation of the judgment of the Hon'ble Supreme Court of India in D.***K.Basu (supra)***, wherein it was observed: -

> **35.** We, therefore, consider it appropriate to issue the following *requirements* to be followed in all cases of arrest or detention till legal provisions are made in that behalf as *preventive measures*:
>
> (1) The police personnel carrying out the arrest and handling the interrogation of the arrestee should bear accurate, visible and clear identification and name tags with their designations. The particulars of all such police personnel who handle the interrogation of the arrestee must be recorded in a register.
>
> (2) That the police officer carrying out the arrest of the arrestee shall prepare a memo of arrest at the time of arrest and such memo shall be attested by at least one witness, who may either be a member of the family of the arrestee or a respectable person of the locality from where the arrest is made. It shall also be countersigned by the arrestee and shall contain the time and date of arrest.

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(3) A person who has been arrested or detained and is being held in custody in a police station or interrogation centre or other lock-up, shall be entitled to have one friend or relative or other person known to him or having interest in his welfare being informed, as soon as practicable, that he has been arrested and is being detained at the particular place, unless the attesting witness of the memo of arrest is himself such a friend or a relative of the arrestee.

(4) The time, place of arrest and venue of custody of an arrestee must be notified by the police where the next friend or relative of the arrestee lives outside the district or town through the Legal Aid Organisation in the District and the police station of the area concerned telegraphically within a period of 8 to 12 hours after the arrest.

(5) The person arrested must be made aware of this right to have someone informed of his arrest or detention as soon as he is put under arrest or is detained.

(6) An entry must be made in the diary at the place of detention regarding the arrest of the person, which shall also disclose the name of the next friend of the person who has been informed of the arrest and the names and particulars of the police officials in whose custody the arrestee is.

(7) The arrestee should, where he so requests, be also examined at the time of his arrest and major and minor injuries, if any, present on his/her body, must be recorded at that time. The "Inspection Memo" must be signed both by the arrestee and the police officer effecting the arrest, and its copy provided to the arrestee.

(8) The arrestee should be subjected to medical examination by a trained doctor every 48 hours during his detention in custody by a doctor on the panel of

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> approved doctors appointed by the Director, Health Services of the State or Union Territory concerned. Director, Health Services should prepare such a panel for all tehsils and districts as well.
>
> (9) Copies of all the documents including the memo of arrest, referred to above, should be sent to the Illaqa Magistrate for his record.
>
> (10) The arrestee may be permitted to meet his lawyer during interrogation, though not throughout the interrogation.
>
> (11) A police control room should be provided at all district and State headquarters, where information regarding the arrest and the place of custody of the arrestee shall be communicated by the officer causing the arrest, within 12 hours of effecting the arrest and at the police control room it should be displayed on a conspicuous notice board.

25. The Hon'ble Supreme Court further held that violation of the directions would render the official concerned liable for department action as well as contempt of Court. It was observed: -

> **36.** Failure to comply with the requirements hereinabove mentioned shall, apart from rendering the official concerned liable for departmental action, also render him liable to be punished for contempt of court and the proceedings for contempt of court may be instituted in any High Court of the country, having territorial jurisdiction over the matter.

26. A copy of the judgment was forwarded to the Director General of Police, Home Secretary of every State with the direction to circulate it to every police official as under: -

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> **39.** The *requirements* mentioned above shall be forwarded to the Director General of Police and the Home Secretary of every State/Union Territory, and it shall be their obligation to circulate the same to every police station under their charge and get the same notified at every police station at a conspicuous place. It would also be useful and serve larger interest to broadcast the *requirements* on All India Radio besides being shown on the National Network of Doordarshan any by publishing and distributing pamphlets in the local language containing these requirements for information of the general public. Creating awareness about the rights of the arrestee would, in our opinion, be a step in the right direction to combat the evil of custodial crime and bring in transparency and accountability. It is hoped that these requirements would help to curb, if not eliminate, the use of questionable methods during interrogation and investigation leading to custodial commission of crimes.

27. Even Section 36(b) (i) of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 provides that every police officer, while making an arrest, shall prepare a memorandum of arrest which shall be attested by one witness, who is a member of the family of the person arrested or a respectable member of the locality where the arrest is made.

28. In the present case, the Investigating Officer violated the statutory provision and judgment of the Hon'ble Supreme Court with impunity. Therefore, a copy of this judgment be forwarded to the Director General of Police, Himachal Pradesh, who shall take departmental action against the erring

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officer/official under intimation to this Court and shall also circulate the instructions to every police official for the compliance of provisions of law, as noticed above.

(Rakesh Kainthla)
Judge

04th November, 2026
(Ravinder)

RAVINDER KUMAR

Digitally signed by RAVINDER KUMAR
DN: C=IN, O=HIGH COURT OF HIMACHAL PRADESH SHIMLA, Phone=3becb6f93c6891a7dae90f163e34d7ecaa420b13af1363204ab0e0f5c87077dc, PostalCode=171001, S=Himachal Pradesh, SERIALNUMBER=f6cc63c55495d14ce1f8623eacdb6cb9ef2c5538035;27a2f53c4eef37cbebaff, CN=RAVINDER KUMAR
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