

(2021) 03 SHI CK 0082

In the High Court Of Himachal Pradesh

Case No : Criminal Miscellaneous Petition (M) No. 305 Of 2021

Aman Teji

APPELLANT

Vs

State Of Himachal Pradesh

RESPONDENT

Date of Decision : 09-03-2021

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 439

Narcotic Drugs And Psychotropic Substances Act, 1985 — Section 20, 29

Citation : (2021) 03 SHI CK 0082

Hon'ble Judges : Vivek Singh Thakur, J

Bench : Single Bench

Advocate : Javed Khan, Raju Ram Rahi

Final Decision : Disposed Of

Judgement

Vivek Singh Thakur, J

1. Petitioner, who has been arrested on 08.02.2021 for recovery of 661 grams cannabis, has approached this Court under Section 439 Code of

Criminal Procedure (in short Cr.P.C.), seeking regular bail in case FIR No.43 of 2021 dated 08.02.2021, registered in Police Station

Sundernagar, District Mandi, H.P., under Sections 20 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as

NDPS Act in short).

2. Status report stands filed, wherein it is stated that vehicle, occupied by the petitioner and driven by his co-accused belonging to father of petitioner,

was intercepted and contraband was recovered from the Dashboard of the vehicle during checking of documents.

3. Petitioner is behind the bars from 08.02.2021.

4. Learned counsel for the petitioner has placed on record copy of order passed by learned Special Judge, Sundernagar, District Mandi, on 26.02.2021,

in Bail Application No.89/2021, titled as Akshay Rana vs. State of H.P.

5. Learned counsel for the petitioner has prayed for enlargement of the petitioner on bail on the basis of parity.

6. Perusal of status report does not indicate any specific role for which petitioner can be considered on different footings than the co-accused Akshay

Rana. Both accused are residents of Shimla. Petitioner is aged 22 years. Whereas, co-accused is aged 25 years and both of them were coming in the

same vehicle which was intercepted by the police. During checking of the vehicle, contraband was recovered from the Dashboard of the vehicle.

Akshay Rana son of owner of vehicle was driving the vehicle. Whereas, present petitioner was sitting in the co-driver seat. Therefore, petitioner is

also entitled for bail on parity.

7. Accordingly, petition is allowed and petitioner is ordered to be released on bail in case FIR No.43 of 2021 dated 8. 02.2021, registered in Police

Station Sundernagar, District Mandi, H.P., under Sections 20 and 29 of the NDPS Act, on his furnishing personal bond in the sum of Rs.1,00,000/-

with one surety in the like amount, to the satisfaction of the trial Court, within two weeks from today, upon such further conditions as may be deemed

fit and proper by the trial Court, including the conditions enumerated hereinafter, so as to ensure the presence of petitioner/accused at the time of trial

and also subject to following conditions:-

(i) That the petitioner shall make himself available to the police or any other Investigating Agency or Court in the present case as and when required;

(ii) that the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as

to dissuade him from disclosing such facts to Court or to any police officer or tamper with the evidence. He shall not, in any manner, try to overawe or

influence or intimidate the prosecution witnesses;

(iii) that the petitioner shall not obstruct the smooth progress of the investigation/trial;

(iv) that the petitioner shall not commit the offence similar to the offence to which she is accused or suspected;

(v) that the petitioner shall not misuse his liberty in any manner;

(vi) that the petitioner shall not jump over the bail;

(vii) that in case petitioner indulge in repetition of similar offence(s) then, his bail shall be liable to be cancelled on taking appropriate steps by

prosecution; and

(viii) that the petitioner shall not leave the territory of India without prior information. He shall inform the Police/Court his contact number and shall

keep on informing about change in address and contact number, if any, in future.

8. It will be open to the prosecution to apply for imposing and/or to the trial Court to impose any other condition on the petitioner as deemed necessary

in the facts and circumstances of the case and in the interest of justice and thereupon, it will also be open to the trial Court to impose any other or

further condition on the petitioner as it may deem necessary in the interest of justice.

9. In case the petitioner violates any condition imposed upon him, his bail shall be liable to be cancelled. In such eventuality, prosecution may approach

the competent Court of law for cancellation of bail, in accordance with law.

10. Trial Court is directed to comply with the directions issued by the High Court, vide communication No.HHC.VIG./Misc. Instructions/93-IV.7139

dated 18.03.2013.

11. Observations made in this petition hereinbefore, shall not affect the merits of the case in any manner and are strictly confined for the disposal of

the bail application.

12. Petition is disposed of in aforesaid terms.

13. Copy dasti.

14. Petitioner is permitted to produce a copy of this judgment, downloaded from the web-page of the High Court of Himachal Pradesh, before the

authorities concerned, and the said authorities shall not insist for production of a certified copy.