

**(2021) 01 SHI CK 0148**

**In the High Court Of Himachal Pradesh**

**Case No :** Criminal Miscellaneous Petition (M) No.40 Of 2021

Gulam Hussain

APPELLANT

Vs

State Of Himachal Pradesh

RESPONDENT

**Date of Decision :** 08-01-2021

**Acts Referred:**

Code Of Criminal Procedure, 1973 — Section 439

Narcotic Drugs And Psychotropic Substances Act, 1985 — Section 22

**Citation :** (2021) 01 SHI CK 0148

**Hon'ble Judges :** Anoop Chitkara, J

**Bench :** Single Bench

**Advocate :** Manoj Pathak, Ram Lal Thakur, Rajat Chauhan

**Final Decision :** Disposed Of

## Judgement

Â Anoop Chitkara, J

1. The petitioner, who is in custody, for possessing commercial quantity of psychotropic substance, has come up before this Court, under Section 439

Cr.PC, for bail on medical grounds for a limited period, in FIR No.62 of 2020, dated 7.11.2020, registered at Police Station, Nerwa, District Shimla,

H.P., under Sections 22 of the NDPS Act.

2. Status report received. I have heard Mr. Manoj Pathak, learned counsel for the petitioner and Mr. Ram Lal Thakur, learned Assistant Advocate

General, for the respondent/ State and have gone through the status report.

3. Vide order dated 31.12.2020, learned Special Judge, Shimla, had extended the interim bail granted previously to the accused, on 1.12.2020, 16.

12.2020 and 24.12.2020, till 15.1.2021.

4. Mr. Manoj Pathak, learned counsel submits that the period for interim bail was

short and, as such, the petitioner could not take appropriate medical treatment, and also because of COVID-19 Pandemic. He further submits that if the interim bail which is scheduled to expire on 15.1.2021, is extended till 31.3.2021, then it may provide ample opportunity to the petitioner to get his medical treatment.

5. In the entirety of the facts and circumstances of the case, I am of the considered opinion that if the petitioner, who is already on interim bail, is afforded some reasonable time, it may not cause any prejudice to the State.

6. Given above, the interim bail granted on 1.12.2020 as extended till 15.1.2021, shall remain extended till 27.2.2021, on the same terms and conditions as were stipulated in the previous orders passed by learned Special Judge, Shimla, on various dates. Apart from those conditions, it is clarified that the petitioner shall not repeat any offence during the pendency of the case and that he shall surrender all firearms along with ammunitions, if any, along with the arms license to the concerned authority within 30 days from today. However, subject to the provisions of the Indian Arms Act, 1959, the petitioner shall be entitled to renew and take it back, in case of acquittal in this case.

7. On the expiry of the period of interim bail, the petitioner is further directed to surrender before the same prison from where he was released on interim bail, on or before 27.2.2021. Failure to do so shall ipso facto be a factor for any future bail.

8. There is no need to apply for a certified copy of this order and learned counsel for the petitioner may download the same from the official website of this Court and attest it to be a true copy under his stamp and post it to the concerned Superintendent of Jail and also handover attested copy of the same to learned Special Judge, Shimla by 12.1.2021 positively. In case learned counsel for the petitioner personally cannot deliver the copy, then he may send the same through speed post.

In view of the above, present petition stands disposed of.