
(2021) 01 SHI CK 0106

In the High Court Of Himachal Pradesh

Case No : Criminal Miscellaneous Petition (M) No.1837 Of 2020

Sagar

APPELLANT

Vs

State Of Himachal Pradesh

RESPONDENT

Date of Decision : 07-01-2021

Acts Referred:

Narcotic Drugs And Psychotropic Substances Act, 1985 — Section 21, 29, 61

Citation : (2021) 01 SHI CK 0106

Hon'ble Judges : Vivek Singh Thakur, J

Bench : Single Bench

Advocate : Gobind Korla, Desh Raj Thakur

Final Decision : Disposed Of

Judgement

Vivek Singh Thakur, J

1. Petitioner herein is accused in case FIR No. 29 of 2020, dated 14.2.2020, registered under Sections 21 and 29 of Narcotics Drugs and Psychotropic

Substances Act in Police Station Palampur, District Kangra, H.P., for recovery of 1150 capsules of SPM-PRXWOCK HARDT from his house from

a bag kept below the bed upon which petitioner and co-accused Neelam were found sitting, on 14.2.2020 during raid conducted on the basis of a

secret information received by the Police.

2. Status report stands filed, wherein it is stated that petitioner was arrested on 14.2.2020 and since then, after remaining in Police custody, he is in

judicial custody, whereas co-accused Neelam (who is maternal aunt of wife of petitioner) was arrested on 15.2.2020.

3. Earlier bail application preferred by the petitioner was dismissed by Special Judge 4, Kangra at Dharamshala on 10.6.2020.

Thereafter petitioner had approached this Court by filing Cr.M.P. (M) No. 984 of 2020, which was dismissed as withdrawn on 28.8.2020.

4. Co-accused Neelam was enlarged on bail vide judgment dated 25.6.2020 in Cr.MP (M) No. 700 of 2020 by this court by treating her differently

from present petitioner being a lady.

5. Petitioner is in custody for about 11 months and his age is 36 years, and quantity of recovered contraband is intermediate and co-accused has been enlarged on bail about 6 months ago.

6. Without evaluating the material placed before me, on merit, which is to be considered and evaluated by trial Court during trial, on the basis of evidence led before it, considering the quantum of recovered contraband and period of detention and also the fact that co-accused Neelam, being lady, was enlarged on bail on 25.6.2020, I am of the opinion that at this stage, petitioner may also be enlarged on bail.

7. Accordingly, petitioner is ordered to be released on bail in case FIR No. 29 of 2020, dated 14.2.2020, registered under Sections

61 of Narcotics Drugs and Psychotropic Substances Act in Police Station Palampur, District Kangra, H.P., on furnishing personal bond in the sum of

`50,000/- with one surety in the like amount, to the satisfaction of trial Court, 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 the petitioners at the time of trial:-

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

Â (ii) that he 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/her 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 he shall not obstruct the smooth progress of the investigation/trial;

(iv) that he shall not commit/repeat the offence similar to the offence to which he accused or suspected and in case of repetition his bail in present

case shall be liable to be cancelled on taking appropriate steps by the prosecution/Police;

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

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

(vii) that he shall keep on informing about the change in address, landline number and/or mobile number, if any, for his availability to Police and/or during trial;

(viii) that he shall not leave India without permission of the Court.

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 conditions 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. Learned 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. The petitioner is permitted to produce copy of order downloaded from the High Court website and the trial Court shall not insist for certified copy

of the order, however, he may verify the order from the High Court website or otherwise.

The petition stands disposed of in the aforesaid terms.