

**(2021) 01 SHI CK 0210**

**In the High Court Of Himachal Pradesh**

**Case No :** Criminal Miscellaneous Petition (M) No.2270 Of 2020

Tul Bhadur Budha

APPELLANT

Vs

State Of Himachal Pradesh

RESPONDENT

---

**Date of Decision :** 07-01-2021

**Acts Referred:**

Code Of Criminal Procedure, 1973 — Section 439

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

**Citation :** (2021) 01 SHI CK 0210

**Hon'ble Judges :** Ajay Mohan Geol, J

**Bench :** Single Bench

**Advocate :** Maan Singh, Sumesh Raj, Dinesh Thakur, Sanjeev Sood, Divya Sood

**Final Decision :** Dismissed

---

## **Judgement**

Ajay Mohan Goel, J

1. By way of this petition filed under Section 439 of the Code of Criminal Procedure, the petitioner has prayed for grant of bail in FIR No. 55, dated

17.02.2020, registered under Sections 20 and 29 of the Narcotic Drugs and Psychotropic Substances Act at Police Station Bhuntar, District Kullu,

H.P.

2. Learned counsel for the petitioner has argued that the petitioner is innocent and he has been falsely implicated in the case. He further submitted that

the petitioner is not guilty of the offences alleged against him and he has been wrongly implicated in the case without appreciating that he had no

connection with the other accused in the matter. He also submitted that in the event of bail being granted to the petitioner, he shall abide by all the

conditions which may be imposed by the Court.

4. Opposing the bail petition, learned Additional Advocate General has argued that in fact a huge quantity of about 8 Kgs. Charas was recovered from the accused named in the FIR concerned, who are four in number. According to him, role of the petitioner was well established during the course of investigation. In addition, there are CDR details which point towards monetary transactions, implicating the petitioner with the committal of the offence. He further argued that the petitioner happens to be a resident of Nepal and taking into consideration the gravity of the offence alleged against him, there is every possibility that in the event of being released, he may jump the bail and, thus, be not available for trial and he may also try to influence the witnesses etc. On these grounds, he submitted that the bail petition be dismissed.

5. I have heard learned counsel for the parties and also gone through the pleadings made in the petition.

6. Keeping in view the fact that about 8 Kgs. Charas was recovered from the bus in which the petitioner was travelling alongwith other co-accused and further that the petitioner happens to be a Nepali citizen and also that CDR transactions, as per the investigation, point out towards exchange of money, involving the present petitioner, this Court finds no merit in the present petition, as it concurs with the submissions made by learned Additional Advocate General that gravity of the offence does not warrants release of the petitioner on bail and further there is possibility that if released on bail, the petitioner may flee the Country and may thus be not available for trial. Accordingly, this petition is dismissed.