

**(2021) 01 SHI CK 0065**  
**In the High Court Of Himachal Pradesh**  
**Case No : Civil Writ Petition No. 2248 Of 2020**

Yog Raj

APPELLANT

Vs

State of Himachal Pradesh

RESPONDENT

**Date of Decision :** 04-01-2021

**Acts Referred:**

Code Of Criminal Procedure, 1973 — Section 439

Narcotic Drugs And Psychotropic Substances Act, 1985 — Section 18

**Citation :** (2021) 01 SHI CK 0065

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

**Bench :** Single Bench

**Advocate :** H.S. Rangra, Nand Lal Thakur, Ram Lal Thakur

**Final Decision :** Dismissed

## Judgement

Anoop Chitkara, J

1. The petitioner for possessing 200 grams of Opium, has again come up before this Court under Section 439 Cr.PC, seeking regular bail, although

previously he was also given bail for possessing 254 grams of Opium. FIR No.203 of 2020, dated 5.11.2020, was registered against him under Section

18 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as the "NDPS Act"), in Police Station, Aut, District

Mandi, H.P.

2. I have seen the status report. There are two other cases pending against him which are recorded in the status report, but as they are minor, there is

no need to refer.

3. However, as a consequence to the undertaking given by the petitioner while being released on bail in Bail Application No.288 of 2019, wherein it

was specifically mentioned in Paragraph-6(iii) that the petitioner shall not commit any offence similar to the offence, the petitioner has committed the offence. As such, in the present case, bail cannot be granted in the normal circumstances.

4. At this stage, Mr. H.S. Rangra, learned counsel for the petitioner submits that the petitioner has a family which is financially dependent upon him.

5. Mr. Ram Lal Thakur, learned Assistant Advocate General, submits that the pleadings of the bail do not mention even a word that the petitioner has a dependent family.

6. Learned counsel further argued that there are also other personal difficulties of the petitioner, but again there is no mention of the same in the petition.

7. After arguing for a considerable time, Mr. H. S. Rangra, learned counsel for the petitioner, on instructions received from his client, seeks permission to withdraw the present petition with liberty to file the same afresh, highlighting the personal difficulties of the petitioner so that this Court considers his bail other than there being past criminal history. Prayer not opposed. Permission granted. Accordingly, the present petition is dismissed as withdrawn, reserving liberty to file afresh as and when the petitioner deems it fit.