

In the Court of Vivek Khanal, Special Judge-III, Solan, H.P.

CIS CNR No.	HPSO010017762026.
CIS Case Type	Bail application.
CIS Reg. No.	203/2026.
Bail Application No.	40-ASJ-II/22 of 2026.
Date of Institution:	28-04-2026.
Date of Decision:	26-05-2026.

Shubham Thakur s/o Rajender Kumar r/o Village Kainthri, P.O
Dharampur, Tehsil and District Solan, H.P.

...Applicant.

Versus

State of Himachal Pradesh.

...Respondent.

**Application U/S 483 of The BNSS, FIR No.
64/18-04-2026, U/S 20, 29 of The NDPS Act,
P.S. Dharampur, Distt. Solan, H.P.**

Sh. C.K Sharma, Ld. Counsel : For Applicant.

Sh. C.S Negi, Ld. PP. : For State.

ORDER:

This order shall dispose of an application under Section 483 of The Bharatiya Nagarik Suraksha Sanhita, 2023 (The BNSS in short) having been filed by the applicant for grant of bail.

2. It is the plea of the applicant that he has been arrested in connection with FIR No. 64/2026, dated, 18-04-2026, U/S 20 and 29 of The Narcotic Drugs & Psychotropic Substances Act, 1985 (The NDPS Act in short) P.S. Dharampur, Distt. Solan, H.P.

3. He is permanent resident of the aforesaid address and has been falsely implicated in this case. Police has completed the investigation in the case and no recovery is to be effected for him. No fruitful purpose would be served by keeping him in judicial custody as he has nothing to do with the commission of alleged offence.

4. He undertakes that he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, shall not dissuade them from appearing as witnesses before the court and shall not temper with the prosecution evidence in any manner.

5. On filing of this application, a reply has been filed by the State, which has opposed the bail application of the applicant by asserting that he can again indulge into the trade of Narcotics, and can prevail upon the witnesses, as such, he be not admitted on bail.

6. I have heard Ld. Counsel for the applicant and Ld. PP and have gone through the case file.

7. In view of the aforesaid pleas, the prosecution story is about applicant alongwith two of the co-accused namely, Rajender Dev and Anil Kumar, being found to be in conscious and exclusive possession of 783 grams of Charas, kept in a transparent plastic bag in the dashboard of the vehicle being driven by Anil Kumar, applicant, sitting with him on the front seat and Rajender Dev, sitting on the rear seat, on, 18-04-2026 at 3.43 am, on Coro Kaithli Road near Khil Moad, after a secret information was received

about Anil Kumar selling Charas on Barog-Kaithli Road with the help of his Mahindra XUV 3X0 Vehicle No. HP-14D-5821.

8. Upon this, FIR No. 64/2026, dated, 18-04-2026, U/S 20, 29 of The NDPS Act, P.S. Dharampur, Distt. Solan, H.P., was registered. It was found in the investigation that Anil Kumar had bought aforesaid Charas for Rs. 1 Lac in the intervening night of, 17/18-04-2026, from Jitta @ Jitender, near Giripul, Yashwant Nagar. He was on the look out for customers with the help of applicant and Rajender Dev and is an addict himself.

9. Thus, after going through the aforesaid pleas and the arguments, it is clear that the discretion of bail is to be exercised by a court objectively with a view to strike a balance between an individual's liberty, the right of the Police for investigation in a case and interest of the society. Under the NDPS Act, a bail application has to be considered within the parameters of Section 37 of the same.

10. It is observed that the applicant has been arrested for being found to be in possession of 783 grams of Charas, alongwith two of the co-accused, an intermediate quantity, to which rigors of Section 37 of The NDPS Act do not apply. There is no previous case against him. The fact that applicant is in Judicial custody goes to show that he is no more required for the furtherance of investigation.

11. In the background of the aforesaid observations, further curtailment of liberty of applicant would not serve any purpose and the objection that he can again indulge into the

Narcotics cannot be taken merely on its assertion when there is no history of applicant indulging into the Narcotics. Going by the aforesaid entirety of the circumstances, at this stage, there are sufficient grounds to grant the prayer of the applicant and as such the applicant has been able to make out a case for relief.

12. Accordingly, the applicant is admitted on bail in No. 64/2026, dated, 18-04-2026, U/S 20, 29 of The NDPS Act, P.S. Dharampur, Distt. Solan, H.P, subject to his furnishing a personal and a surety bond in the sum of Rs. one lakh, to the satisfaction of any of the Magistrates at Solan, on the following conditions:-

1. He shall co-operate with the investigating agency.
2. He shall not influence or intimidate the witnesses acquainted with the facts of the case nor dissuade them from deposing in the Court.
3. He shall attend the Court on each and every date of hearing of the case.
4. He shall not indulge into similar type of activities in future.

13. The observations made herein shall remain confined to the disposal of the present bail application and shall not be construed to be having any bearing on the merits of the case. Be consigned to the record room.

Announced in the open court, today, on this 26th day of May, 2026.

Vivek Khanal
Special Judge-III, Solan, H.P.