

**In the Court of Praveen Garg, Special Judge-I, Shimla,
District Shimla, H.P.**

CIS CNR No. : HPSH100051532026
CIS Registration No. : 356/2026
Case Type : Bail Application
Case Year : 2026
Date of Presentation : 27.06.2026
Date of Decision : 14.07.2026

Aryan Dhanta aged 22 years son of Shri Rajesh Kumar Dhanta, R/o Village Kulgaon, P.O. Pujarli-02, Tehsil Rohru, District Shimla, H.P. through her mother Smt. Mamta wife of Shri Rajesh Kumar, R/o village Kulgaon, P.O. Pujarli-02, Tehsil Rohru, District Shimla, H.P.

....**Bail petitioner/applicant.**

-Versus-

The State of Himachal Pradesh.

.....**Respondent.**

**“Bail application under Section 483 of
Bhartiya Nagarik Suraksha Sanhita,2023”**

**FIR No.101/2026, dated 28.05.2026, under
Sections 21 & 29 of NDPS Act, Police
Station West, Shimla, District Shimla, H.P.**

Presence:

For the bail applicant	Shri Subhash Verma Advocate.
For the State	Shri Prakash Thakur, Ld. PP.

ORDER:

1. The applicant/accused (hereinafter referred to as

the “applicant”) has moved the instant application seeking regular bail. It is asserted that the applicant was arrested on 29.05.2026 in connection with FIR No. 101/2026, dated 28.05.2026, registered at Police Station West, District Shimla, Himachal Pradesh, for offences punishable under Sections 21 & 29 of the Narcotic Drugs and Psychotropic Substances (NDPS) Act, 1985 and since then, he has been in judicial custody.

2. It is submitted that the applicant/accused has been falsely implicated in the present case. It is further submitted that the custodial interrogation of the applicant is no more required, as the investigation has almost completed and no useful purpose would be served by his continued detention. It is also submitted that the applicant hails from a respectable family, enjoys a good reputation in society, and has deep roots in the community. As such, there is no likelihood whatsoever of the applicant absconding, fleeing from justice, or evading the due process of law. No justifiable, reasonable, or compelling grounds exist for the continued incarceration of the applicant.

3. It is further averred that the quantity allegedly involved in the present case falls within the category of intermediate quantity, consequently, the rigours of Section 37 of the Narcotic Drugs and Psychotropic Substances Act, 1985, are not attracted. The applicant undertakes to abide by all such terms and conditions as may be imposed by this Court and further undertakes not to tamper with the prosecution evidence, influence or intimidate any witness, or

leave the territorial jurisdiction of India without the prior permission of the Court.

4. Notice of the bail application was served upon the Respondent/State. Status report was requisitioned.

5. The application has been contested through a separate reply, wherein it is stated that on 28.05.2026, a police team headed by HC Ajay Sharma, Investigating Officer of the Special Cell, Shimla, proceeded on patrolling and crime-detection duty in the areas of Sankat Mochan, Tara Devi, Shoghi etc. At around 05.00 PM, while the police party was present at Shoghi near Police Chowki, HC Ajay Sharma received secret information that the accused, Sahil Kaith and Aryan Dhanta (applicant), were carrying contraband in pithu bag and were travelling in vehicle bearing registration HP-01AA-0506 (Taxi). It was further conveyed that if immediate action was taken, a huge quantity of chitta (heroin) could be recovered.

6. Considering the information to be genuine and reliable, and apprehending the likelihood of destruction of the contraband, the intimation under Section 42(2) of the Narcotic Drugs and Psychotropic Substances Act, 1985 was sent to the superior officer by HC Ajay Sharma.

7. At about 06.50 PM, the aforesaid vehicle, which was coming from Solan side, was stopped for checking. On checking, accused Sahil Kaith and Aryan Dhanta (applicant) were found seated on the rear seat of the said vehicle. During the search of a *pithu* bag lying between the aforesaid accused, conducted in the presence of the driver of the

vehicle, namely Vansh Negi, as well as the police officials, 12.20 grams of heroin/chitta was recovered from the said bag. The contraband was duly seized and taken into possession in accordance with law. A 'Rukka' was then prepared and forwarded to the Police Station for the registration of an FIR.

8. I have heard the learned counsel representing the applicant, as well as Learned Public Prosecutor on behalf of the State, and have meticulously examined the case records.

9. **It is undisputed that the contraband allegedly recovered from the possession of accused measures 12.20 grams of Chitta/heroin, which falls within the category of "intermediate quantity" under Notification No. S.O.1055(E) dated 19th October 2001, issued pursuant to the NDPS Act and published in the Gazette of India (Extra), Part II, Section 3(II), on 19th October 2001. Consequently, the stringent provisions of Section 37 of the NDPS Act are not applicable in the present matter.**

10. Nonetheless, merely because the rigours of Section 37 of the NDPS Act are inapplicable to the present case, the applicant cannot claim the grant of bail as a matter of right. While considering an application for bail, the Court is required to strike a delicate balance between the fundamental right to personal liberty guaranteed to the applicant under Article 21 of the Constitution of India and the larger interest of society represented by State.

11. It is well settled that the discretion to grant or refuse bail is to be exercised judiciously, having regard to the facts and circumstances of each case. At the same time, the

Hon'ble Supreme Court of India, as well as the Hon'ble High Court of Himachal Pradesh, have consistently reiterated the settled principle of criminal jurisprudence that "**bail is the rule and jail is the exception,**" unless the facts and circumstances of the case warrants otherwise.

12. Turning to the facts of the present case, it is also pertinent to observe that the alleged recovery from the applicant is **12.20 grams** of the contraband, which is only marginally above the notified *small quantity* and is substantially below the prescribed *commercial quantity* under the provisions of the NDPS Act. The applicant is a young person and, as per the material available on record, has no previous criminal antecedents. Furthermore, the trial is not likely to conclude in the near future, and his continued incarceration for an indefinite period, pending conclusion of the trial, would not be justified, particularly in view of the well-settled principle of criminal jurisprudence that every accused is presumed to be innocent unless proved guilty in accordance with law. It is equally well settled that the primary object of granting bail is to secure the presence of the accused during the course of trial and, in the event of conviction, to ensure the execution of the sentence.

13. Having regard to the totality of the facts and circumstances of the case, coupled with the legal principles governing the grant of bail, this Court is of the considered view that no useful purpose would be served by keeping the applicant/accused in judicial custody for an indefinite period. On the contrary, if enlarged on bail, subject to stringent terms

and conditions sufficient to secure his presence during trial and to prevent any misuse of the concession of bail, the applicant would be in a better position to effectively defend himself, thereby safeguarding his valuable right to a fair trial.

14. Having considered the circumstances discussed hereinabove, the applicant is admitted to bail subject to furnishing a personal bonds in the sum of **₹ 2,00,000/- (Rupees Two Lakhs only)**, with **two solvent sureties of like amount**, to the satisfaction of the **learned Chief Judicial Magistrate, Shimla/Ilalaqua Magistrate/any Magistrate at Shimla**. The applicant's release on bail shall also be subject to the following conditions:

i. The bail applicant shall not directly or indirectly induce, threaten, or make any promise to any person acquainted with the facts of the case, for the purpose of dissuading him or her from disclosing such facts to the Court or to any police officer.

ii. The bail applicant shall attend the trial on each and every date of hearing unless granted a valid exemption by the Court for good cause.

iii. In the event of non-appearance on a date fixed for hearing, the bail applicant undertake to pay all expenses incurred by the State in securing his presence before the Court, notwithstanding the stipulations contained in the bail bonds, provided that such amount shall not exceed the amount recoverable upon forfeiture of the bail bonds in accordance with Sections 446 and 446-A of the Code of Criminal Procedure (Cr.P.C.).

iv. The bail applicant shall furnish his permanent residential address and mobile number to the concerned Station House Officer (SHO) and to this Court forthwith. The SHO is directed to verify the same within fifteen (15) days of this order and submit a report to this Court.

v. The bail applicant shall also inform the concerned police station and, after filing of the police report, the trial Court of any subsequent change of residential address or mobile number within two (2) weeks of such change.

15. In the event of any breach of the conditions stipulated in this order, liberty is reserved to the State/Public Prosecutor to file an application seeking cancellation of the bail granted to the applicant.

16. Furthermore, the observations made herein are limited to the adjudication of the present bail application, and shall in no way prejudice or affect the merits of the underlying case.

17. A copy of the bail application shall be transmitted forthwith to the Jail Superintendent and to the concerned Station House Officer (SHO), either in physical form or through electronic means, for necessary compliance.

File be consigned to the record room, after due completion.

Announced
14.07.2026

(Praveen Garg)
Special Judge-1 Shimla
District Shimla, H.P.