



IN THE HIGH COURT OF HIMACHAL PRADESH AT
SHIMLA

Cr. MP(M) No. 204 of 2026

Reserved on : 17.3.2026

Decided on : 23.3.2026

Chote Khan @ Chotu

..Applicant

Versus

State of H.P.

..Respondent

Coram

Hon'ble Mr. Justice Virender Singh, Judge

Whether approved for reporting?

For the Applicant : Mr. Vijender Katoch, Advocate.

For the Respondent : Mr. Tejasvi Sharma, Addl. A.G.
with Mr. Rohit Sharma and
Ms. Ayushi Negi, Deputy
Advocate General.

Virender Singh, Judge

Applicant has filed the present application,
under Section 483 of Bharatiya Nagarik Suraksha
Sanhita (hereinafter referred to as 'the BNSS') for
releasing him, on bail, during the pendency of the
trial, arising out of FIR No. 127 of 2025, dated



19.6.2025, registered under Sections 20, 25 and 29 of the Narcotic Drugs and Psychotropic Substances Act (hereinafter referred to as the 'ND & PS' Act), with Police Station, Nurpur, District Kangra, H.P.

2. According to the applicant, he is innocent person and has falsely been implicated and arrested, in the above noted case, and has no concern whatsoever with the offence, for which, he has been arrested by the Police.

3. According to the applicant, no recovery has been effected from him. It is further pleaded by him that except the present case, no other case has been registered against him.

4. According to the further case of the applicant, investigation of the present case is complete.

5. The applicant has tried his luck by moving similar application, before the learned Special Judge-Dharamshala, District Kangra, H.P., however, the same was dismissed on 3.9.2025.



6. Learned counsel for the applicant has prayed for the relief of bail on the ground of parity, as the co-accused Harsh, Akshit and Dushyant have been released on bail, on 19.7.2025/21.7.2025.

7. On the basis of above facts, the applicant, through his counsel, has given certain undertakings, for which, he is ready to abide by, in case, ordered to be released on bail.

8. When, put to notice, the Police has filed the status report, disclosing therein, that on 19.6.2025, HC Dinesh Singh No. 46, alongwith other police officials, was on patrolling duty and on duty to put picketing, as well as, to detect the crimes relating to excise and narcotics. The Police party left the Police Line, Nurpur at 2 a.m. Thereafter, they had conducted patrolling in Jassur-Chhatroli-Nagabadi and when, they had put picketing and started checking the vehicles moving from Jassur to Pathankot, they noticed that two local persons were coming from Kandwal Barrier. On inquiry, they



disclosed their names as Sucha Singh, S/o Chidu Ram, R/o Ward No. 2, Village and P.O.Kandwal, Tehsil Nurpur, District Kangra, H.P. and Dilsher Singh, S/o Late Sh. Nasib Singh, R/o Village & P.O. Kandwal, Tehsil Nurpur, District Kangra, H.P.

8.1 As per the stand of the Police, at about, 5:45 a.m., a grey coloured vehicle was noticed moving from Jassur to Pathankot side, which was signaled to stop by Constable Ashok Kumar No. 299. Consequently, the driver of the vehicle stopped the car. The registration number of the vehicle was found to be DL 10 CD 9222. Three persons were found sitting in the said vehicle. After disclosing his identity, HC Dinesh directed the driver to produce relevant documents, upon which, the driver became perplexed and could not give satisfactory answer. His activities raised suspicion in the mind of HC Dinesh. As such, he called Sucha Singh and Dilsher Singh and associated them as independent witnesses. In the presence of these witnesses, all the occupants



were directed to alighten down from the vehicle and their names and addresses were inquired.

8.2 On inquiry, the occupants of the car disclosed their names as Harsh Dogra, S/o Naresh Dogra, Akshit Ranchal, S/o Harish Ranchal and Dushyant, S/o Ashwani Kumar. All the aforesaid persons could not give any satisfactory answers. The vehicle was searched.

8.3 On searching the vehicle, from the dashborad, a blue coloured polythene envelope was found and when the knot was found, a black coloured ball shaped substance was noticed. On smelling the same and on the basis of experience, the said substance was found to be charas/cannabis, which, on weighment was found to be 538 grams. The contraband was again put in the same manner, in which, it was found. The polythene envelope was taken into possession. The vehicle was also taken into possession.



8.4 Thereafter, the ruqua was prepared and submitted to the Police Station, Nurpur, where, FIR was registered. Further investigation was conducted. Thereafter, accused persons were arrested. They were produced before the Court of learned ACJM, Nurpur, District Kangra, H.P. on 21.6.2025.

8.5 During police remand, accused Harsh Dogra disclosed that he could identify the place, where, on 18.6.2025, he had received the consignment of Charas from Nagesh. His statement under Section 23(2) BSA was recorded.

8.6 Thereafter, on 22.6.2025, he has identified the place near village Tosh. Accused Rohit Katoch having mobile number 82195-58793 has been found to have talked to accused Nagesh on mobile phone number 95557-91748. Thereafter accused Nagesh was nabbed alongwith carry bag, which, on checking was found to be containing charas, which, on weighment was found to be 840 grams. Accused



Nagesh was arrested and produced before the Court and was remanded to Police custody upto 25.6.2025.

8.7 The contraband, so recovered, was sent to SFSL Junga. During investigation, accused Nagesh disclosed that Chote Khan (applicant) is resident of his village and they used to talk to each other on mobile phone No. 81124-54835 to mobile phone of Chote Khan (applicant) bearing No. 95557-91748. According to him, applicant Chote Khan used to direct Nagesh to pick/drop the consignment from/at particular places. Thereafter, CDRs, CAFF and location of mobile phone, disclosed by accused Nagesh were obtained. On the basis of abovesaid documents, it was found that mobile number 81124-54835 was issued in the name of applicant Chote Khan and he also used mobile number 70540-15215.

8.8 Accused Harshit, Akshit and Dushyant are stated to have been released on bail on 19.7.2025/21.7.2025. On 28.7.2025, applicant Chote Khan was also arrested.



8.9 In this case, charge-sheet has been filed and the case is now stated to be listed for PWs on 15.5.2026/16.5.2026.

8.10 On the basis of above, a prayer has been made to dismiss the bail application.

9. Involvement of the applicant, in the present case, as per the stand taken by the Police, was found on the basis of alleged disclosure/revelations made by accused Nagesh, who is co-villager of applicant. Whatever disclosed by accused Nagesh was revealed by him, when, he was in police custody. As such, the same cannot be used against his co-accused. Hence, on the basis of alleged revelation/disclosure by co-accused Nagesh, nothing can be attributed against the applicant. In view of the law laid down by Hon'ble Supreme Court in **'Tofan Singh versus State of Tamil Nadu'**, reported in (2021) 4 Supreme Court Cases 1, the said revelation/disclosure cannot be taken into account, in order to convict the accused, under the



provisions of NDPS Act. Relevant paragraph 158.1 of the judgment is reproduced as under:

“158.1 That the officers who are invested with powers under Section 53 of the NDPS Act are “police officers’ within the meaning of Section 25 of the Evidence Act, as a result of which any confessional statement made to them would be barred under the provisions of Section 25 of the Evidence Act, and cannot be taken into account in order to convict an accused under the NDPS Act.”

10. As per the stand of the Police, accused Nagesh has disclosed that applicant Chote Lal is his co-villager and they used to talk to each other on phone. People residing in the villages are well-known to each other, and the mere fact that applicant and accused Nagesh used to talk to each other, is too short to take away the presumption of innocence from him. As such, merely, on the basis of CDRs, Police is not able to connect applicant Chote Khan with the crime in question, at this stage.

11. Hon’ble Supreme Court in **State by (NCB) Bengaluru versus Pallulabid Ahmad Arimutta & Anr.**, reported in 2022 (2) SCALE 14 has held that evidentiary value of the CDRs is to be determined,



during trial. Relevant portion of the judgment is reproduced as under:

“10. It has been held in clear terms in Tofan Singh Vs. State of Tamil Nadu , that a confessional statement recorded under Section 67 of the NDPS Act will remain inadmissible in the trial of an offence under the NDPS Act. In the teeth of the aforesaid decision, the arrests made by the petitioner-NCB, on the basis of the confession/voluntary statements of the respondents or the co-accused 6 (2021) 4 SCC 1 Page 9 of 12 2022 Live Law (SC) 63 Petition for Special Leave to Appeal (Criminal) No. 1569 OF 2021 under Section 67 of the NDPS Act, cannot form the basis for overturning the impugned orders releasing them on bail. The CDR details of some of the accused or the allegations of tampering of evidence on the part of one of the respondents is an aspect that will be examined at the stage of trial. For the aforesaid reason, this Court is not inclined to interfere in the orders dated 16th September, 2019, 14th January, 2020, 16th January, 2020, 19th December, 2019 and 20th January, 2020 passed in SLP (Crl.) No@ Diary No. 22702/2020, SLP (Crl.) No. 1454/2021, SLP (Crl.) No. 1465/2021, SLP (Crl.) No. 1773-74/2021 and SLP (Crl.) No. 2080/2021 respectively. The impugned orders are, accordingly, upheld and the Special Leave Petitions filed by the petitioner-NIB seeking cancellation of bail granted to the respective respondents, are dismissed as meritless.”

(self emphasis supplied)

12. The CDRs can only provide information like Caller ID duration and Cell Tower Details, however, they do not capture the substance of the conversation itself. These are the call record details, which are the metadata (data about data) about the



call and the same is totally different from call recording, which offers direct evidence of the communication, including specific words spoken and context of the conversation, which can be crucial, for deciding the matter.

13. Even otherwise, accused Nagesh and applicant Chote Lal are from the same village and their conversation with each other seems to be natural, than raising suspicion about the same. As such, merely on the basis of call details, relief of bail, for which, the applicant is otherwise entitled to, cannot be declined.

14. According to the case of the Police, co-accused Harsh, Akshit and Dushyant were released on bail, on 19.7.2025/21.7.2025. As such, on the ground of parity, applicant is entitled to the relief of bail.

15. Considering all these facts, this Court is of the view that the bail application is liable to be allowed and is accordingly allowed.



16. Consequently, the applicant is ordered to be released on bail in case FIR No. 127 of 2025, dated 19.6.2025 registered under Sections 20, 25 and 29 of the NDPS Act, with Police Station, Nurpur, District Kangra, H.P. on his furnishing personal bond in the sum of Rs. 50,000/-, with two sureties, in the like amount, to the satisfaction of learned trial Court.

17. This order, however, shall be subject to the following conditions:-

a) Applicant shall regularly attend the trial Court on each and every date of hearing and if prevented by any reason to do so, seek exemption from appearance by filing appropriate application;

b) Applicant shall not tamper with the prosecution evidence nor hamper the investigation of the case in any manner whatsoever;

c) Applicant shall not make any inducement, threat or promises to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or the Police Officer, and

d) Applicant shall not leave the territory of India without the prior permission of the Court.

18. Any of the observations, made herein above, shall not be taken, as an expression of opinion, on the merits of the case, as these observations are



confined, only to the disposal of the present bail application.

19. It is made clear that the respondent-State is at liberty to move an appropriate application, in case, any of the bail conditions is found to be violated by the applicant.

20. The Registry is directed to forward a soft copy of the bail order to the Superintendent of Sub-Jail, Nurpur, District Kangra, H.P. through e-mail, with a direction to enter the date of grant of bail in the e-prison software.

21. In case, the applicant is not released within a period of seven days from the date of grant of bail, the Superintendent of Sub-Jail, Nurpur, District Kangra, H.P. is directed to inform this fact to the Secretary, DLSA, Kangra. The Superintendent of the Sub-Jail, Nurpur, District Kangra, H.P. is further directed that if the applicant fails to furnish the bail bonds, as per the order passed by this Court within



a period of one month from today, then, the said fact
be submitted to this Court.

22. Record be returned to the quarter concerned.

(Virender Singh)
Judge

23.3.2026

Kalpana