

**IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA.****Cr.MP (M) Nos. : 320 & 322 of 2026****Reserved on : 2nd April, 2026****Decided on : 7th April, 2026**

1. Cr.MP(M) No. 320 of 2026

Veer Chand ...Applicant

Versus

State of Himachal Pradesh ...Respondent

2. Cr.MP(M) No. 322 of 2026

Mahavir ...Applicant

Versus

State of Himachal Pradesh ...Respondent

*Coram***The Hon'ble Mr. Justice Virender Singh, Judge.***Whether approved for reporting?¹ Yes*

For the applicant : Mr. Balram Sharma, Senior Advocate with Dr. Sahil Malhotra, Advocate.

For the respondent : Mr. Mohinder Zharaick, Additional Advocate General, assisted by HC Brij Mohan, Police Station, Nalagarh, District Solan, H.P.

Virender Singh, Judge

The above titled bail applications are being decided by the common order, as, the applicants have filed

¹ *Whether Reporters of local papers may be allowed to see the judgment? Yes.*



these applications, under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as the 'BNSS'), with a prayer to release them on bail, during the pendency of the trial arising out of **FIR No.65 of 2024, dated 18.03.2024**, registered under **Sections 21, 29, 8C and 27A of the Narcotic Drugs & Psychotropic Substances Act** (hereinafter referred to as the 'NDPS Act'), with Police Station Nalagarh, District Solan, H.P.

2. It is the case of the applicants that they are innocent and have falsely been implicated in the present case, as no recovery of contraband or any incriminating substance has ever been effected from their conscious and exclusive possession.

3. According to the applicants, they have been involved, in the present case, on the statement of Nand Lal, who is father of the main accused Suresh Kumar, in which, he has alleged to the police that the contraband belongs to applicant Veer Chand and applicant Veer Chand has paid a sum of Rs.27,000/- to Suresh Kumar on 15.3.2024.



4. As per the applicants, they have no concern with the alleged crime and nothing has been recovered from their possession.

5. According to the applicants, investigation, in the present case, is complete, as such, no useful purpose would be served by keeping them in the judicial custody, that too, for indefinite period.

6. As per the applicants, the entire police story is totally improbable and appears to be concocted, just to falsely implicate the applicants, in the present case.

7. The applicants have also tried their luck before the learned Special Judge-II, Solan, District Solan, H.P., by moving similar applications. However, the said applications have been dismissed, vide order, dated 3rd October, 2024 and 29th October, 2024.

8. Thereafter, the applicants had approached this Court, by way of Cr.MP(M) Nos.2460 & 2550 of 2024, which were also dismissed vide orders dated 13.11.2024 and 24.12.2024. Thereafter, applicant Veer Chand has again filed Cr.MP(M) No. 1185 of 2025, which was also dismissed by this Court on 22.05.2025. The said order,



passed by this Court, has been assailed by applicant-Veer Chand, before the Hon'ble Supreme Court, however, his SLP has been dismissed by the Hon'ble Supreme Court, vide order dated 16.07.2025. Subsequently, applicant Veer Chand, has again filed similar application before the learned trial Court, which was also dismissed on 15.10.2025. Applicant Mahavir has also filed Cr.MP(M) No. 2061 of 2025, which was dismissed as withdrawn, vide order dated 16.09.2025. Thereafter, the applicants have again filed Cr.MP(M) Nos.2944 & 2955 of 2025, which were also dismissed on 8th January, 2026.

9. Apart from this, Mr. Balram Sharma, learned Senior Advocate assisted by Dr. Sahil Malhotra, Advocate, appearing for the applicants, has given certain undertakings, on behalf of the applicants, for which, the applicants are ready to abide by, in case, ordered to be released, on bail, during the pendency of the trial.

10 On the basis of the above facts, a prayer has been made to allow the applications.

11. When put to notice, the police has filed the status report, disclosing therein, that on 18.3.2024,



SDPO Nalagarh, along with other police officials, was present at village Vodala. They had put the picketing to preventing the trafficking of illicit liquor, in view of the ensuing Lok Sabha Election. They were checking the vehicles crossing from that spot.

11.1. At about, 06.30. p.m., from Ratyod side, one person was noticed coming on foot, who, on inquiry, disclosed his name as Joginder Singh son of Shri Mast Ram. He has also disclosed that he is Ward Member of Ward No.11, of Gram Panchayat Dabhota.

11.2. In the meanwhile, from Ratyod side, at about 6.35 p.m. one Pick-up vehicle bearing No.HP93-9431 Marka Tata Yodha, being driven by its driver, was found coming. The SDPO has signalled him to stop, but, the driver, at once tried to reverse the vehicle. Consequently, with the help of police officials, the vehicle was intercepted and was stopped. The driver was found to be perplexed.

11.3. On inquiry, the driver disclosed his name as Suresh Kumar son of Shri Nand Lal, but, could not give the satisfactory answers to the queries, as such, on the



basis of suspicion, the vehicle was searched, but, nothing incriminating was found.

11.4. Keeping in view the fact that the driver was perplexed, a suspicion raised, in the mind of the SDPO, that he might be concealing something illegal, in his vehicle. Consequently, the bonnet of the vehicle was opened and on the conductor side of the bonnet, five carton boxes were found to be concealed. 'Diphenoxylate Hydrochloride & Atropine Sulphate Tablets IP Lomotil' was found to be written on every box.

11.5. The SDPO, with the help of police officials opened those boxes and total 28140 tablets of Lomotil were found. The said person i.e. Suresh Kumar, could not produce any document to transport the same.

11.6. Consequently, the said contraband was taken into possession and rukka was sent to the Police Station for registration of the FIR. Accused was arrested.

12. After completion of the codal formalities, the contraband, so recovered, was sent to SFSL Junga. During the Police custody, the accused was taken to Sikandra



Pharmacy (Agra), Agra, where, applicant Mahabir Singh, was associated and arrested.

13. It is the further case of the police that on 12.8.2024, Nand Lal, father of accused Suresh Kumar, made a complaint to the police that the contraband, which was allegedly found from the possession of his son was meant for being delivered to applicant Veer Chand and for that, according to the father of Suresh Kumar, on 15.3.2024, applicant Veer Chand has transferred a sum of Rs.27,000/- in the account of his son.

14. Consequently, the Bank statement of Suresh Kumar was obtained and on perusing the same, the said fact was found to be correct.

15. Thereafter, CDR was also obtained and on checking the CDR of mobile phone of accused Suresh Kumar, from 1.2.2024 to 18.3.2024, from the mobile phone of accused Suresh Kumar, 26 calls were found to be made to the mobile number of applicant Veer Chand. On 15/16.03.2024, applicant Veer Chand was found to be in touch with accused Suresh Kumar.



16. On 12.8.2024, Veer Chand was associated in the investigation and was arrested. Thereafter, the statement of Bank account of applicant Veer Chand was obtained. Till 14.08.2024, in the bank account of applicant Veer Chand, a sum of Rs.5,35,918/- was found as balance, whereas, in the same Bank, he was having the FDs total amounting to Rs.17,30,538/-. Relevant documents were taken into possession and accused were arrested.

17. It has also been found, in the investigation, that from 30.11.2023 to 15.3.2024, applicant Veer Chand from his Bank account, maintained in Union Bank of India, Nalagarh, has transferred a sum of Rs.3,55,502/- through online transfer to Bank Account of Suresh Kumar, which was maintained in State Bank of India, Nalagarh Branch.

18. Similarly, It has also been found that from the Bank account of accused Suresh Kumar, from 30.11.2023 to 17.3.2024, a sum of Rs.4,23,060/- has been found to be transferred in the Bank account of applicant Mahavir, who, as per the police report, was running a medical store in Sikandra (Agra).



19. It has also been pleaded, in the status report, that the statement of account of applicant Veer Chand, from his banker Union Bank of India Nalagarh, has been obtained, according to which, in the bank account of applicant Veer Chand bearing No.520101203173461, a sum of Rs,5,35,918/- has been shown to be balance as on 14.08.2024. Apart from this, he was having four FDs of Rs.17,30,538/-. Those documents were taken into possession.

20. During investigation, it has been found that applicant Veer Chand used to transfer amount in the account of his co-accused Suresh Kumar for purchasing the prohibited Lomotil Tablets, as such, Sections 27-A and 8C of the NDPS Act was added, in the present case.

21. It is the further case of the Police that as per statement of account from 30.11.2023 to 15.03.2024, applicant Veer Chand transferred a sum of Rs.3,55,502/- through online mode from his account bearing account No.520101203173461, in the bank account of Suresh bearing No.55156299763, maintained with State Bank of India, Nalagarh Branch. When the Google Pay and PayTM



history of accused Suresh Kumar were checked, it was found that he has made online transactions of Rs.4,23,060/- from 30.11.2023 to 17.03.2024, into the account of applicant Mahavir, bearing No.3609108001260.

22. Lastly, it has been submitted that apart from the present case, another case bearing FIR No.100/2018, under Section 21 of the NDPS Act, has been registered against applicant Veer Chand, in Police Station Nalagarh, whereas, against applicant no case is found to have been registered. It has also been apprehended that in case the applicants are released on bail, they may again indulge in the same activities.

23. Investigation, in the present case, is complete and the police has filed the charge-sheet, before the competent Court of law, which is now listed for PWs.

24. On all these submissions, a prayer has been made to dismiss the applications.

25. In this case, the applications of the applicants, have been dismissed on merits, by this Court. The said order, although, has been assailed, before the Hon'ble Supreme Court, by applicant Veer Chand, but, the relief



has not been granted to him. Thereafter, the applicants again filed similar applications, before this Court, which were dismissed on 8th January, 2026.

26. In nut shell, the allegations, which have been levelled against the applicants are that when the father of accused Suresh Kumar, made a complaint to police on 12.08.2024, disclosing therein, that the contraband recovered from the possession of his son Suresh Kumar was, in fact, got transported through his son Suresh Kumar and for the said work, applicant Veer Chand, had transferred a sum of Rs.27,000/- to his account. Consequently, the statement of account of Suresh Kumar, from the Bank of India was obtained and it was found that a sum of Rs.27,000/- was transferred from the ID of applicant Veer Chand.

27. Thereafter, CDR of mobile phone No.9736396949 was checked and it was found that from 1.2.2024 to 18.02.2024, on 26 occasions, applicant Veer Chand has made calls to Suresh Kumar. Thereafter, on 12.8.2024, applicant Veer Chand was arrested. When Google Pay history of applicant Veer Chand was checked, it



was found that from 30.11.2023 to 15.3.2024, applicant Veer Chand, had transferred a sum of Rs.3,55,502/- through online transfer to Bank Account of Suresh Kumar, which was maintained in State Bank of India, Nalagarh Branch. When the Google Pay and PayTM history of accused Suresh Kumar were checked, it was found that he has made online transactions of Rs.4,23,060/- from 30.11.2023 to 17.03.2024, into the account of applicant Mahavir, bearing No.3609108001260.

28. It is the further case of the police that when the details of the bank account of applicant Veer Chand was obtained from Union Bank of India, it was found that on 14.08.2024, a sum of Rs,5,35,918/- was in his bank account and apart from this, he was having four FDs of Rs.17,30,538/-.

29. When, the Bank statements of all the three accused were perused, it was found that from 30.11.2023 to 15.3.2024, applicant Veer Chand, had transferred a sum of Rs.3,55,502/- to the account of Suresh Kumar, whereas, accused Suresh Kumar, had transferred a sum of Rs.4,23,060/- to the account of applicant Mahavir from



30.11.2023 to 17.3.2024. Applicant Mahavir is resident of District Agra Uttar Pradesh and as per the stand of the police, applicant Mahavir was the person, from whom, Suresh had purchased the Lomotil tablets.

30. In this case, it has vigorously been argued by Mr. Balram Sharma, learned senior counsel assisted by Dr. Sahil Malhotra, Advocate, that the statement of the father of accused Suresh Kumar was recorded on 12.08.2024, whereas, the FIR was registered on 18.03.2024.

31. It has further been argued that when Suresh Kumar made the revelation to his father about the involvement of applicant Veer Chand, at that time, he was in judicial custody, as such, his statement is not admissible in law.

32. The said argument of learned Senior Counsel is devoid of merit as the police officials are not having a divine sight to know about the involvement of accused.

33. The police always acts upon the information received/revelation made by the witnesses or by the accused persons. Although, there is a bar on the admissibility of the statement of accused, who is in



custody, but, the police had every power to proceed further in the investigation to ascertain the role of a person whose name has been disclosed by the accused.

34. Here, in this case, situation would have been otherwise, had there been no financial transaction, that too, of huge amount, and then, on the sole ground of revelation, made by accused Suresh Kumar, no criminality could be attributed to accused Veer Chand.

35. Whatsoever has been disclosed by accused Suresh to his father, which, in turn, he had revealed to the I.O., the police had further investigated the matter and it has been found that huge amount has been transferred by applicant Veer Chand to Suresh Kumar and thereafter, Suresh Kumar has transferred the same to applicant Mahavir, who is resident of Agra, from whom, allegedly the contraband was purchased/brought.

36. As stated above, the earlier bail applications of the applicants were dismissed, by this Court, on 8th January, 2026 and the present bail applications are totally silent about any change in the circumstances.



37. The contraband, allegedly recovered, in this case, is 28140 tablets of Lomotil, which falls within the definition of 'commercial quantity'.

38. Once, it has been held that the contraband allegedly recovered from the possession of the accused falls in the category of 'commercial quantity', as per the Notification issued by the Central Government, then, the rigors of Section 37 of the NDPS Act come into play.

39. In this case, the police, on the basis of the financial transactions, has also added Section 27-A of the NDPS Act, which provides punishment for financing illicit trafficking. Therefore, it is incumbent upon this Court to give findings, with regard to fulfillment of twin conditions, as enumerated, under Section 37(1)(b)(ii) of the NDPS Act i.e., (i) that the applicants are not guilty of such offence, for which they have been arrested, and (ii) that while on bail, they are not likely to commit any offence.

40. In a recent decision, in case, titled as ***Narcotics Control Bureau versus Mohit Aggarwal***, reported in ***AIR 2022 SC 3444***, the Hon'ble Supreme Court has reiterated the earlier view regarding compliance



of the conditions, as enumerated in Section 37 of the NDPS Act. The relevant paras 10 to 15 of the judgment are reproduced, as under:

“10. The provisions of Section 37 of the NDPS Act read as follows:

*“[37. **Offences to be cognizable and non-bailable.**—(1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974)-*

(a) every offence punishable under this Act shall be cognizable;

(b) no person accused of an offence punishable for [offences under section 19 or section 24 or section 27A and also for offences involving commercial quantity] shall be released on bail or on his own bond unless-

(i) the Public Prosecutor has been given an opportunity to oppose the application for such release, and

(ii) where the Public Prosecutor opposes the application, the court is satisfied that there are reasonable grounds for believing that he is not guilty of such offence and that he is not likely to commit any offence while on bail.

(2) The limitations on granting of bail specified in clause (b) of sub section (1) are in addition to the limitations under the Code of Criminal Procedure, 1973 (2 of 1974) or any other law for the time being in force, on granting of bail.

11. It is evident from a plain reading of the non-obstante clause inserted in sub-section (1) and the conditions imposed in sub-section (2) of Section 37 that there are certain restrictions placed on the power of the Court when granting bail to a person



accused of having committed an offence under the NDPS Act. Not only are the limitations imposed under Section 439 of the Code of Criminal Procedure, 1973 to be kept in mind, the restrictions placed under clause (b) of sub-section (1) of Section 37 are also to be factored in. The conditions imposed in sub-section (1) of Section 37 is that (i) the Public Prosecutor ought to be given an opportunity to oppose the application moved by an accused person for release and (ii) if such an application is opposed, then the Court must be satisfied that there are reasonable grounds for believing that the person accused is not guilty of such an offence. Additionally, the Court must be satisfied that the accused person is unlikely to commit any offence while on bail.

12. The expression “reasonable grounds” has come up for discussion in several rulings of this Court. In “Collector of Customs, New Delhi v. Ahmadalievva Nodira”, (2004) 3 SCC 549, a decision rendered by a Three Judges Bench of this Court, it has been held thus:-

*“7. The limitations on granting of bail come in only when the question of granting bail arises on merits. Apart from the grant of opportunity to the Public Prosecutor, the other twin conditions which really have relevance so far as the present accused respondent is concerned, are: the satisfaction of the court that there are reasonable grounds for believing that the accused is not guilty of the alleged offence and that he is not likely to commit any offence while on bail. The conditions are cumulative and not alternative. The satisfaction contemplated regarding the accused being not guilty has to be based on reasonable grounds. **The expression “reasonable grounds” means something more than prima facie grounds. It contemplates substantial probable causes for believing that the accused is not guilty of the alleged offence. The reasonable belief contemplated in the***



provision requires existence of such facts and circumstances as are sufficient in themselves to justify satisfaction that the accused is not guilty of the alleged offence.” [emphasis added]

13. The expression “reasonable ground” came up for discussion in “State of Kerala and others Vs. Rajesh and others” (2020) 12 SCC 122 and this Court has observed as below:

“20. The expression “reasonable grounds” means something more than prima facie grounds. It contemplates substantial probable causes for believing that the accused is not guilty of the alleged offence. **The reasonable belief contemplated in the provision requires existence of such facts and circumstances as are sufficient in themselves to justify satisfaction that the accused is not guilty of the alleged offence.** In the case on hand, the High Court seems to have completely overlooked the underlying object of Section 37 that in addition to the limitations provided under the CrPC, or any other law for the time being in force, regulating the grant of bail, its liberal approach in the matter of bail under the NDPS Act is indeed uncalled for.” [emphasis added]

14. To sum up, the expression “reasonable grounds” used in clause (b) of Sub-Section (1) of Section 37 would mean credible, plausible and grounds for the Court to believe that the accused person is not guilty of the alleged offence. For arriving at any such conclusion, such facts and circumstances must exist in a case that can persuade the Court to believe that the accused person would not have committed such an offence. Dove-tailed with the aforesaid satisfaction is an additional consideration that the accused person is unlikely to commit any offence while on bail.



15. We may clarify that at the stage of examining an application for bail in the context of the Section 37 of the Act, the Court is not required to record a finding that the accused person is not guilty. The Court is also not expected to weigh the evidence for arriving at a finding as to whether the accused has committed an offence under the NDPS Act or not. The entire exercise that the Court is expected to undertake at this stage is for the limited purpose of releasing him on bail. Thus, the focus is on the availability of reasonable grounds for believing that the accused is not guilty of the offences that he has been charged with and he is unlikely to commit an offence under the Act while on bail.”

41. The Hon’ble Supreme Court in a case, **Criminal Appeal No. 5544 of 2024**, titled as ‘**Narcotics Control Bureau versus Kashif**’, Neutral Citation No. 2024 INSC 1045, has again reiterated the law, as enumerated by it, in **Mohit Aggarwal**’s case (supra). The Hon’ble Supreme Court, in this case, has held that the provisions of Section 37 of NDPS Act are mandatory in nature. Relevant paragraphs 8 and 39 of the said judgment are reproduced, as under:

“8. There has been consistent and persistent view of this Court that in the NDPS cases, where the offence is punishable with minimum sentence of ten years, the accused shall generally be not released on bail. Negation of bail is the rule and its grant is an exception. While considering the application for bail, the court has to bear in mind the provisions of Section 37 of the NDPS Act, which are mandatory in



nature. The recording of finding as mandated in Section 37 is a sine qua non for granting bail to the accused involved in the offences under the said Act. Apart from the granting opportunity of hearing to the Public Prosecutor, the other two conditions i.e., (i) the satisfaction of the court that there are reasonable grounds for believing that the accused is not guilty of the alleged offence and that (ii) he is not likely to commit any offence while on bail, are the cumulative and not alternative conditions.

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39. The upshot of the above discussion may be summarized as under:

(i) The provisions of NDPS Act are required to be interpreted keeping in mind the scheme, object and purpose of the Act; as also the impact on the society as a whole. It has to be interpreted literally and not liberally, which may ultimately frustrate the object, purpose and Preamble of the Act.

(ii) While considering the application for bail, the Court must bear in mind the provisions of Section 37 of the NDPS Act which are mandatory in nature. Recording of findings as mandated in Section 37 is sine qua non is known for granting bail to the accused involved in the offences under the NDPS Act.

(iii) The purpose of insertion of Section 52A laying down the procedure for disposal of seized Narcotic Drugs and Psychotropic Substances, was to ensure the early disposal of the seized contraband drugs and substances. It was inserted in 1989 as one of the measures to implement and to give effect to the International Conventions on the Narcotic drugs and psychotropic substances.

(iv) Sub-section (2) of Section 52A lays down the procedure as contemplated in sub-section (1) thereof, and any lapse or delayed compliance thereof would be merely a procedural irregularity which would neither entitle the accused to be released on bail nor would vitiate the trial on that ground alone.



(v) Any procedural irregularity or illegality found to have been committed in conducting the search and seizure during the course of investigation or thereafter, would by itself not make the entire evidence collected during the course of investigation, inadmissible. The Court would have to consider all the circumstances and find out whether any serious prejudice has been caused to the accused.

(vi) Any lapse or delay in compliance of Section 52A by itself would neither vitiate the trial nor would entitle the accused to be released on bail. The Court will have to consider other circumstances and the other primary evidence collected during the course of investigation, as also the statutory presumption permissible under Section 54 of the NDPS Act.”

(self-emphasis supplied)

42. At this stage, there is nothing on record to probabilize the defence, which has been taken, by the applicants, in this case, nor to justify the payment of the amount, on account of transportation charges, as such, merely pleading the said fact, is too short to satisfy the twin conditions as enumerated in Section 37 of the NDPS Act.

43. Moreover, the said stand may be the defence of applicant Veer Chand, which would be proved or probabilized during the trial. Without any proof, the said stand, cannot be taken, by this Court, as gospel truth, to conclude, at this stage, that the amount was transferred by



applicant Veer Chand in the account of Suresh, who allegedly transferred the amount to applicant Mahavir, resident of Agra, U.P.

44. Considering all these facts, there is nothing on the record, on the basis of which, it can be said, at this stage, that the applicants are not guilty of such offences or while on bail, they are not likely to commit any offence. As such, no case to pass any order in favour of the applicants, under Section 483 BNSS, is made out. Consequently, the bail applications are dismissed.

45. 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 applications.

Record be sent back to the quarter concerned.

**(Virender Singh)
Judge**

April 09, 2026*(ps)*