



**IN THE HIGH COURT OF HIMACHAL PRADESH
SHIMLA**

Cr.MP(M) No.540 of 2026

Date of Decision: 21.04.2025

Nisha Devi

...Applicant

Versus

State of H.P.

.....Respondent

Coram:

The Hon'ble Mr. Justice Virender Singh, Judge.

Whether approved for reporting?¹

For the applicant : Mr. Jeevan Kumar, Advocate.

For the respondent : Mr. Tejasvi Sharma, Additional Advocate General, with Mr. Rohit Sharma, Deputy Advocate General, assisted by ASI, Nand Lal, Police Station, Palampur, District Kangra, H.P.

Virender Singh, Judge

Applicant-Nisha Devi, apprehending her arrest, in Case **FIR No.177 of 2025, dated 25.11.2025, registered under Sections 21 & 29 of the Narcotic Drugs and Psychotropic Substances Act**, (hereinafter referred to as the 'NDPS' Act), with **Police Station, Palampur, District Kangra, H.P.**, has filed the present application, under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as the BNSS).

¹ Whether reporters of Local Papers may be allowed to see the judgment?



2. By way of the present application, indulgence of this Court has been sought, by the applicant, to direct the IO/Police of Police Station, Palampur, District Kangra, H.P., to release her on bail, in the event of her arrest, in the above mentioned FIR.

3. According to the applicant, the case registered against her, is false. She has no concern, whatsoever, with the crime in question.

4. It is the further case of the applicant that her co-accused Mohit has already been released on bail, by the learned Special Judge, Palampur, District Kangra, H.P., vide order dated 29.12.2025.

5. The applicant had earlier tried her luck by moving similar application, before this Court, however, the said application was dismissed as withdrawn on 22.12.2025. Thereafter, she has approached the Court of learned Special Judge, Palampur, District Kangra, H.P, however, the said application, has been dismissed, vide order dated 23.03.2026.

6. On all these facts, Mr. Jeevan Kumar, Advocate, appearing for the applicant, has given certain undertakings, on behalf of the applicant, for which, the applicant is ready



to abide by, in case, any direction is given to the police under Section 482 of BNSS.

7. On the basis of the above facts, a prayer has been made to allow the application.

7.1. When put to notice, the police has filed the status report, disclosing therein, that on 25.11.2025, ASI, Nand Lal, IO, Police Station, Palampur, has submitted a Rukka to Police Station, Palampur, for registration of FIR, mentioning therein, that on that day, i.e. 25.11.2025, he, along with other police officials, was on patrolling duty and duty to detect the crime relating to excise and narcotic drugs, left the Police Station. At about 6:15 PM, when, the IO, along with the police officials, was on foot and was on patrolling duty, then, he received a secret information, about the fact that one Mohit son of Soni, resident of Ward No.12, Ghuggar Tanda, Tehsil Palampur, District Kangra, along with his mother Nisha Devi wife of Soni, who are residing in a rented accommodation, in Ward No.12, are doing the business of selling narcotic substance.

7.2. The said information was found to be authentic and reliable and according to the IO, in case he obtains the search warrant, in that eventuality, delay could be caused



and the contraband could be removed from there, upon which, IO complied with the provisions of Section 42(2) of ND&PS Act and submitted the report to SDPO, Palampur. Thereafter, the IO along with the police team, reached at the spot i.e. Ward No.12, Palampur.

7.3. On the way, he has requested Nisha Devi, Ward Member to come present on the spot, upon which, Nisha Devi, reached at the house of Ravi Kumar and Ravi Kumar was also found present there. When, the door was knocked, the door was opened by one person. On inquiry, he has disclosed his name, as Mohit son of Soni, resident of Ward No.12, Ghuggar Tanda, Tehsil Palampur, District Kangra, H.P. Thereafter, he was apprised about the reasons for search of his house.

7.4. During the search, contraband, weighing 34 grams chita/heroine, was found. However, as per the information, Nisha Devi was not found there. During that period, accused Mohit also confirmed that the said substance is chita and also disclosed that he and his mother used to sell the same. From the spot, police also recovered Rs.4,06,100/- and the accused Mohit could not give any satisfactory explanation, regarding the said money.



7.5. From the spot, the police also found two electronic weighing machines, which were taken into possession. Thereafter, rukka was prepared and case was registered. Accused Mohit was arrested.

7.6. During investigation, he has disclosed that he and his mother used to sell the same. The contraband was produced, before the Court, from where, the inventory proceedings were got conducted and sent to RFSL, Dharamshala, from where, the positive report has been received. The charge sheet against the accused Mohit has been prepared and submitted in the Court, whereas, the applicant has not joined the investigation.

8. On the basis of the above facts, a prayer has been made to dismiss the application.

9. Perusal of the record shows that the applicant has approached the Court of learned Special Judge, Palampur, for the similar relief, however, her application has been dismissed.

10. The applicant has been named, as accused, under ND&PS Act, which is a special statute, enacted by the legislature to curb the menace of the drugs. While, deciding the question of granting relief to such accused, a delegate



balance has to be maintained, between the larger interest of the society and the individual liberty.

11. Granting relief to the applicant, in such type of cases, will give a wrong signal to the society, that even after found involved, in such a heinous offence, applicant is moving freely in the society. Granting relief will also allure others to indulge in such type of activities, which is antithesis to the rule of law.

12. In view of the above, there is no occasion, for this Court to pass any direction, under Section 482 of BNSS.

13. Considering all these facts, the applicant is not able to make out a case for exercise of the powers under Section 482 of BNSS, by this Court, in her favour. Consequently, the bail application is dismissed.

14. Any of the observations, made herein above, shall not be taken as an expression of opinion, on the merits of the case, as there observations, are confined, only, to the disposal of the present bail application.

(Virender Singh)
Judge

April 21, 2026
(subhash)