



2026:HHC:14335

Ravi Kumar vs. State of H.P.

Cr. Appeal NO. 561 of 2024

Reserved on 29.05.2025

19.06.2024 **Present:** Mr. J.P. Sharma, Advocate, for the appellant.

Mr. Tarun Pathak, Deputy Advocate General, for the respondent/State.

The appellant stood surety for accused Ravi Kumar, S/o Parveen Kumar undertaking to produce him in the Court of learned Special Judge, Chamba or any other Court to answer the charge of the commission of an offence punishable under Section 20 of Narcotic Drugs and Psychotropic Substances Act (in short 'NDPS Act') and in case of failure to pay an amount of ₹1,00,000/- to the State of H.P. The accused failed to appear before the Court and the Court issued bailable warrants to secure his presence. However, he failed to appear before the learned Trial Court; hence, the Court cancelled and forfeited the bail bonds of the accused to the State of Himachal Pradesh and initiated proceedings under Section 446 of Cr. P.C. A notice was served upon the present appellant, but he failed to appear before the Court, and his presence was also secured by way of bailable warrants. He filed a reply asserting that the accused did not appear before the Court on 07.09.2024 or before that; and he sought an opportunity of one month to produce accused Ravi



Kumar before the Court. The Court held vide order dated 17.09.2024 that since the appellant/respondent had failed to produce the accused, therefore, he was liable to pay a sum of ₹ 1,00,000/- to the State of H.P. Consequently, warrants of recovery were issued to the District Collector for realizing the amount.

2. It was submitted that the learned Trial Court had not granted the opportunity before forfeiting the bonds as per the judgment passed by this Court in *Sunita versus State of H.P* decided on 18.09.2023 wherein reliance was placed upon the judgment of this Court in *Narata versus State of H.P, 1993 (2) Shimla Law Cases 193*.

3. This Court has already referred the question whether a notice is required to be issued to the surety before forfeiture of the bonds to a Larger Bench in *Madan Versus State of H.P* in *Criminal Appeal No.344 of 2023*, and the answer is still awaited.

4. Hence, the matter be put up after the receipt of the answer to the reference.

(Rakesh Kainthla)
Judge

19th June, 2025
(saurav pathania)