



IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Cr. MP (M) No. 2573 of 2025

Reserved on: 16.01.2026

Date of Decision: 23.01.2026

Abhi alias Abhi Kumar

...Petitioner

Versus

State of Himachal Pradesh

...Respondent

Coram

Hon'ble Mr Justice Rakesh Kainthla, Vacation Judge.

Whether approved for reporting?¹ No.

For the Petitioner : Mr Rakesh Kumar Chaudhary and
Mr Panku Chaudhary, Advocates

For the Respondent(s) : Mr Ajit Sharma, Deputy Advocate
General.

Rakesh Kainthla, Judge

The petitioner has filed the present petition for seeking regular bail in FIR No. 295 of 2023, dated 11.10.2023, registered for the commission of offences punishable under Sections 20 and 29 of the Narcotic Drugs and Psychotropic Substances (NDPS) Act, 1985 at Police Station Sadar, Kullu, District Kullu, H.P.

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



2. It has been asserted that the co-accused Lil Bahadur was released on bail by the Hon'ble Supreme Court of India in SLP (Criminal) No.8157 of 2025 vide order dated 30.07.2025. The petitioner was also apprehended with Lil Bahadur and is entitled to bail on the principle of parity. The petitioner has no criminal antecedents. He would abide by the terms and conditions that the Court may impose; hence, it was prayed that the present petition be allowed and the petitioner be released on bail.

3. The petition is opposed by filing a status report asserting that the police were on patrolling duty on 11.10.2023. They joined Sher Singh as independent witness at Rajak Thach at noon. The police saw some people and two tents after covering some distance, and started walking towards them. All the people gathered near one tent. The police went inside and found one carry bag containing 3.519 Kgs of charas. The police also searched the tents and found 5 bags containing cannabis seeds. The total weight of the seeds was found to be 110.572 kgs. The police seized the charas and the seeds. The police made enquiries from the accused, and they revealed that Ramu and Khadak Bahadur had employed them to extract cannabis on a daily wage. The police sent the charas to FSL Junga, and as per the report of



analysis, it was confirmed to be an extract of cannabis and a sample of charas. The challan was prepared and presented before the Court on 30.12.2023. The matter was listed for recording the statements of prosecution witnesses on 28.11.2025. Eight witnesses have been examined out of the sixteen witnesses cited by the prosecution. Hence, the status reports.

4. I have heard Mr Rakesh Kumar Chaudhary & Panku Chaudhary, learned counsel for the petitioner and Mr Ajit Sharma, learned Deputy Advocate General, for the respondent/State.

5. Mr Rakesh Kumar Chaudhary, learned counsel for the petitioner, submitted that the Hon'ble Supreme Court has released the co-accused on bail. The allegations against the petitioner and the co-accused are similar. The petitioner is entitled to bail on the principle of parity. He prayed that the present petitions be allowed and the petitioner be released on bail.

6. Mr Ajit Sharma, learned Deputy Advocate General, for the respondent/ State, conceded that the Hon'ble Supreme Court had released the co-accused on bail; however, he submitted that



the principle of parity does not apply to the present case. The statements of eight witnesses have been recorded, and the matter was listed for prosecution evidence on 28.11.2025. There is no delay in the progress of the trial. Hence, he prayed that the present petitions be dismissed.

7. I have given considerable thought to the submissions made at the bar and have gone through the records carefully.

8. It is undisputed that the Hon'ble Supreme Court has released the co-accused Lil Bahadur on bail vide judgment dated 30.07.2025, passed in Special Leave to Appeal (SLP) Criminal No. 8157 of 2025, because he had spent one year and nine months in jail. The present petitioner was also arrested with the co-accused, and if the Hon'ble Supreme Court considered the incarceration of one year and nine months sufficient to grant bail to the co-accused, the petitioner is entitled to bail on this ground as well.

9. The Hon'ble Supreme Court released the co-accused on bail on such terms and conditions as the Trial Court may deem fit. Since the petitioner is being released on bail on the principle of parity; therefore, the same conditions would apply to him.



10. In view of the above, the present petition is allowed, and the petitioner is ordered to be released on bail, on such terms and conditions as the learned Trial Court may deem fit to impose in the facts and circumstances of the case.

11. The petition stands accordingly disposed of. A copy of this order be sent to the *Superintendent of District Jail Bilaspur, District Bilaspur, H.P. and the learned Trial Court by FASTER.*

12. A downloaded copy of this order shall be accepted by the learned Trial Court while imposing terms and conditions of bail on the petitioner, and in case said Court intends to ascertain the veracity of the downloaded copy of the order presented to it, the same may be ascertained from the official website of this Court.

13. The observations made hereinabove are regarding the disposal of the petitions and will have no bearing whatsoever on the case's merits.

(Rakesh Kainthla)
Vacation Judge

23rd January, 2026.
(meera)