



2025:HHC:40058

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IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA.

Cr.MP (M) No. : 2741 of 2025

Decided on : 26.11.2025

Rohit Verma

...Applicant

Versus

State of Himachal Pradesh

...Respondent

Coram

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

Whether approved for reporting?¹

For the applicant : Ms. Kiran Dhiman, Advocate.

For the respondent : Mr. Varun Chandel, Mr. Mohinder Zharaick, Mr. H.S. Rawat, Additional Advocates General, with Ms. Ranjna Patial, Deputy Advocate General, assisted by ASI Ashwani Kumar, Police Station Sundernagar, District Mandi, H.P.

Virender Singh, Judge

Applicant-Rohit Verma has filed the present application, under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as the 'BNSS'), with a prayer to release him on bail, during the pendency of trial, in case arising out of **FIR No. 243 of**

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



2025, dated 08.11.2025, registered with Police Station Sundernagar, District Mandi, H.P., under Sections 20, 25 and 29 of the Narcotic Drugs and Psychotropic Substances Act, (hereinafter referred to as the 'ND&PS Act').

2. According to the applicant, he is innocent person and has falsely been implicated, by the police, in the present case. According to him, he has no connection, whatsoever, with the offences, for which, he has been named as accused, as well as, arrested, by the police.

3. As per the applicant, the alleged recovery does not fall within the definition of commercial quantity, as such, rigors of Section 37 of ND&PS Act are not applicable. Investigation is also stated to be complete, in this case.

4. The applicant has tried his luck by moving similar application before learned Special Judge, Sundernagar, District Mandi, H.P., however, his application has been dismissed vide order dated 17.11.2025.

5. On the basis of the above facts, Ms. Kiran Dhiman, learned counsel appearing for the applicant has



given certain undertakings, to which, the applicant is ready to abide by, in case, the applicant is ordered to be released on bail, during the pendency of the trial.

6. When put to notice, the police has filed the status report, disclosing therein, that on 08.11.2025, ASI Daulat Ram I.O., along with other police officials, was on patrolling duty, duty to detect the information relating to crime, picketing and traffic checking. When they were present at Pung Fourlane, they had laid naka and were checking the vehicles moving from Sundernagar to Bilaspur side.

6.1 Meanwhile, at about 11:20 am, they noticed a car bearing No. HP03-3987, white colour, being driven by its driver coming from Sundernagar side, which was signaled to stop. Consequently, the driver stopped the car, on the left side of the road. Thereafter, I.O. checked the car and beside the driver, another person was found travelling in the car. Thereafter, ASI has directed the driver to show the requisite documents, upon which, the person sitting by the side of the driver, requested that marriage



function is in the house and as such, requested them to permit to go from there.

6.2 Thereafter, both the said persons were found to be perplexed, upon which, I.O. develop the suspicion that the vehicle might be having some stolen article in it. As such, he thought it proper to search the vehicle. Efforts were made to associate the independent witnesses, but, the drivers of the vehicles, plying on the road, had expressed their personal difficulty to be the independent witnesses. After some time, a passerby namely Gopal, was associated in the investigation of the case, as independent witness and in the presence of independent witness, the name and address of the occupants of the car bearing No. HP03-3987, were inquired. On inquiry, the driver disclosed his name as Kartik son of Sh. Sita Ram, resident of Village Malog, Post Office Devthi, Tehsil Sadar, District Solan, H.P. and the person sitting beside the driver, disclosed his name as Rohit Verma (applicant).

6.3 Thereafter, the car was searched. On the backside of the driver seat, from the pocket, a green colour carry bag was found. When the knot of the carry bag was



untied, the same was found containing another transparent polythene envelope containing ball shape substances. On smelling and experience, as well as, on the disclosure of Kartik and Rohit, the said substance was found to be charas/cannabis. On weighment, the said cannabis was found to be 249 grams. Other codal formalities were completed.

6.4 The contraband, along with vehicle, was taken into possession. The rukka was prepared, which was submitted to the Police Station Sundernagar, upon which, FIR in question, has been registered. Thereafter, the accused persons were arrested. Thereafter, the contraband was produced before the Court of learned Additional Chief Judicial Magistrate, Court No. 1 Sundernagar, District Mandi, H.P., where the inventory proceedings were got conducted. The contraband was sent to SFSL Junga, from where, positive report has been received.

6.5 It is the further case of the police that as per the report of MHC Police Station Sadar, District Solan, H.P., except the present case, no other case was found to



be registered against him. The case is stated to be under investigation.

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

8. Heard.

9. Considering the fact that the contraband, which is stated to be recovered in the present case, does not fall, within the definition of the 'commercial quantity', as such, rigors of Section 37 of ND&PS Act are not applicable, in the present case.

10. The status report is totally silent about the fact as to how the custodial interrogation of the applicant is required. As per status report, applicant is in judicial custody. This fact is sufficient to demonstrate, at this stage, that custodial interrogation of the applicant is no longer required by the police. As such, no fruitful purpose would be served by keeping the applicant in judicial custody.

11. Moreover, the chances of commencement and conclusion of trial against the applicant, in near future, are



not so bright. As such, he cannot be kept in judicial custody, that too, for the indefinite period.

12. The applicant is aged about 28 years and he is having no criminal antecedents. The presumption of innocence is still available to the applicant, as the bail application cannot be rejected merely as a matter of punishment, since, pre-trial punishment is prohibited under the law.

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

14. Consequently, the applicant is ordered to be released, on bail, in case **FIR No. 243 of 2025, dated 08.11.2025**, registered with **Police Station Sundernagar, District Mandi, H.P., under Sections 20, 25 and 29 of the ND&PS Act**, on his furnishing personal bonds in the sum of Rs.50,000/-, with one surety of the like amount, to the satisfaction of the learned trial Court.

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



“a) The applicant shall make himself available for the purpose of investigation, if so required and 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 the appropriate application;

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

c) The 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) The applicant shall not leave the territory of India without the prior permission of the Court.”

16. Any of the observations, made hereinabove, 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.

17. 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.

18. The Registry is directed to forward a soft copy of the bail order to the Superintendent of Jail, District Jail Mandi, District Mandi, H.P., through e-mail, with a



direction to enter the date of grant of bail in the e-prison software.

19. In case, the applicant is not released within a period of seven days from the date of grant of bail, the Superintendent of Jail, District Jail Mandi, District Mandi, H.P., is directed to inform this fact to the Secretary, DLSA, Mandi, H.P. The Superintendent of Jail, District Jail Mandi, District Mandi, 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.

(Virender Singh)
Judge

26th November, 2025
(Pramod Kumar)