IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Cr. MP(M) No. 2015 of 2026
Date of Decision: 04.11.2026

Monu Kumar Sharma ...Petitioner

Versus

State of Himachal Pradesh ...Respondent

Coram
Hon'ble Mr Justice Chirag Bhanu Singh, Judge.
Whether approved for reporting?[1]

For the Petitioner : Mr. Sangram Singh Chandel, Advocate.

For the Respondent/State : Mr. Lokender Kuthelria, Additional Advocate General.

Chirag Bhanu Singh, Judge (Oral)

The petitioner has preferred an application under Section 483 of Bharatiya Nagarik Suyraksha Sanhita, 2023 (in short "BNSS") seeking post-arrest bail in Case FIR No.148 of 2026, dated 08.07.2026 registered at Police Station Baddi, District Solan, H.P., under Section 21 of the Narcotic Drugs and Psychotropic Substances Act (hereinafter referred to as "the Act").

[1] Whether reporters of Local Papers may be allowed to see the judgment? Yes.

2. The facts which emerge from the status report, so filed by the State is that on 08.07.2026, the Investigating Officer, ASI Inder Kumar, along with the police party, was on patrolling duty. At about 6:10 PM, a secret information was received by the Investigating Officer that one Monu Kumar Sharma, son of Shri Ram Lakhan Sharma, who was residing in a rented accommodation at Baddi, was dealing in narcotics. In case his premises are raided, a huge quantity of narcotics could be recovered.

3. Acting swiftly, the Investigating Officer, ASI Inder Kumar, recorded the reasons of belief under Section 42(2) of the Act and sent the same through Constable Pankaj Singh to the SDPO, Baddi. In the meanwhile, the Investigating Officer proceeded to the house owned by Randev, where the accused was residing. The Investigating Officer, associated Randev, son of Balak Ram and one Hardev Singh, son of Shamsher Singh, as independent witnesses. Thereafter, the raiding party reached the premises of the accused Monu Kumar Sharma. After following all the codal formalities, the Investigating Officer searched the premises. The search yielded the recovery of 39.90 grams of heroin (chitta). The contraband was taken into

possession and so was the accused. Presently, he is in judicial custody.

4. I have heard the learned counsel for the parties and gone through the records carefully.

5. Admittedly, the quantity recovered from the premises of the accused is "intermediate" in quantity and, as such, the rigors of Section 37 would not apply with the same force.

6. As per the status report, no prior antecedents of the petitioner have been reported, at least vis-à-vis the NDPS Act.

7. It further transpires from the record that the charge sheet already stands filed in September 2026. The culmination of the trial is thus likely to take sufficient time. Pre-trial incarceration is otherwise generally loathed by the Courts, as has been held by the Hon'ble Supreme Court in catena of decisions including ***Union of India vs. K.N. Nazeeb 2021 (3) SCC 713*** & ***Javed Gulam Nabi Shaikh vs. State of Maharashtra*** & ***Another (Criminal Appeal No.2787 of 2024 decided on 03.07.2024).***

8. "Bail, not jail" is the golden thread which has been running right through the various judgments rendered by the

Hon'ble Supreme Court starting from ***Gurbaksh Singh Sibbia & Others v. State of Punjab, (AIR 1980 SC 1632)***, which has consistently been followed till the decision rendered in ***P. Chidambaram v. Directorate of Enforcement, (AIR 2019 SC 4198)***. The object of granting bail was further elucidated in ***Sanjay Chandra & Others v. Central Bureau of Investigation, (AIR 2012 SC 830)***. The Hon'ble Supreme Court has further reiterated that grant of bail was a general rule, as was categorically held in ***Dataram Singh v. State of Uttar Pradesh, [(2018) 3 SCC 22 : AIR 2018 SC 980]***.

9. The Hon’ble Supreme Court and this Court, in a catena of decisions, have repeatedly held that an accused is presumed to be innocent until proven guilty. The trial is still at its inception and is likely to take sufficient time. Even otherwise, the quantity of contraband recovered in the present case is "intermediate".

10. For all the reasons discussed hereinabove, the bail petition is thus allowed. As a sequel, the petitioner is ordered to be released on bail subject to his furnishing bail bonds to the tune of Rs.50,000/- with two local sureties of the like amount,

to the satisfaction of the learned trial Court subject to the following conditions:-

> "i) That the petitioner shall not tamper with the prosecution evidence nor intimidate, threaten or coerce the witnesses conversant with the facts of the case;
>
> ii) That the petitioner shall put in appearance before the Investigating Officer or the Court as and when directed;
>
> iii) That the petitioner shall not leave the territory of India without the express permission of the Court, he shall surrender passport, if any, before the investigating agency."

11. 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 for the purposes of the disposal of the present petition.

12. The petition stands accordingly disposed of. A copy of this order be sent to the Superintendent, **Sub-Jail, Kishanpura at Nalagarh, District Solan, H.P. and the learned Trial Court by FASTER.**

13. Petition stands disposed off in the aforesaid terms, so also the pending miscellaneous applications, if any.

(Chirag Bhanu Singh)
Judge

04th November, 2026
(Shamsh Tabrez)

SHAMSH TABREZ

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