

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Cr.MP(M) No.162 of 2024

Date of Decision : 24.01.2024

Sandeep Kumar Petitioner

Versus

State of Himachal Pradesh Respondent

Coram:

The Hon'ble Mr. Justice Bipin Chander Negi, Vacation Judge

*Whether approved for reporting?*¹

For the petitioner : Mr. Rajeev Sharma, Advocate.

For the respondent : Mr. Rajan Kahol & Mr. B.C. Verma, Additional Advocates General and Ms. Seema Sharma, Deputy Advocate General.

Bipin Chander Negi, Vacation Judge (oral)

Prayer in the present petition has been made for release of the petitioner on interim bail for a period of ten days in order to enable him to attend the wedding of his sister and to attend his ailing father.

2. In FIR No.86/2023 dated 17.04.2023, registered under Sections 22, 61, 85 of the Narcotic Drugs and Psychotropic Substances Act, at Police Station, Paonta Sahib, District Sirmour, petitioner has been accused of possessing commercial quantity of contraband.

3. The ground urged for interim bail is that his sister is getting married and in the said marriage, petitioner being the real brother, has to perform many customary rituals. Besides the aforesaid, it has further been stated

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

that on account of ill health of his father, it is the petitioner only who would have to manage most of the affairs of the marriage.

4. Alongwith the present petition, petitioner has appended the marriage card of his sister which is scheduled to be held on 31.01.2024 and 01.02.2024. Other than the aforesaid, alongwith the petition, petitioner has appended the medical prescription of his alleged ailing father dated 02.08.2023.

5. Keeping in view the above facts, I am inclined to grant interim bail to the petitioner for a period of ten days commencing from 29.01.2024 and ending on 07.02.2024 by 4:00 p.m. The petition, therefore, is allowed and the petitioner is ordered to be released on interim bail in the above mentioned FIR for a period of ten days, subject to his furnishing personal bond in the sum of Rs.2,00,000/-with one local surety in the like amount to the satisfaction of the learned trial Court or any Sessions Judge/Additional Sessions Judge having jurisdiction over the concerned Police Station. Petitioner shall surrender before the concerned jail on or before 07.02.2024 by 4.00 p.m. The bail is being granted subject to the following conditions:-

- (i) ***Petitioner shall not tamper with the evidence or hamper the investigation in any manner whatsoever;***
- (ii) ***Petitioner shall not make any inducement, threat or promise, directly or indirectly, to the Investigating Officer or any person acquainted with the facts of the case to dissuade him/her from disclosing such facts to the Court or any Police Officer;***
- (iii) ***Petitioner will not leave India.***
- (iv) ***Petitioner shall inform the Station House Officer of the concerned Police Station about his place of***

residence during bail. Any change in the same shall also be communicated promptly. Petitioner shall furnish details of his Aadhar Card, Telephone Number, Mobile number, E-mail address, PAN Card, Bank Account Number, if any, to the Station House Officer.

- (v) Petitioner shall report at Police Station, Paonta Sahib, District Sirmour every alternate day at 11:00 a.m. during the interim bail period.***
- (vi) Petitioner shall surrender himself before the concerned jail authorities after completion of ten days interim bail and under no circumstances later than 07.02.2024 by 4.00 p.m.***

6. It is clarified that the interim bail is being granted in the projected facts of the case and will have no bearing on the merits of the matter.

7. The petition stands disposed of in the above terms, so also the pending miscellaneous applications, if any.

8. A copy of this order be sent to the Superintendent, Model Central Jail, Nahan, District Sirmour and the learned trial Court by FASTER.

9. A downloaded copy of this order shall be accepted by the learned trial Court while accepting the bail bonds from the petitioner and, in case, the 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.

**(Bipin Chander Negi)
January 24, 2024 (KS) Vacation Judge**