IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Cr. MP (M) No. 142 of 2026
Reserved on: 23.02.2026
Date of Decision: 27.02.2026.

Mahender Pun ...Petitioner

Versus

State of Himachal Pradesh ...Respondent

Coram
Hon'ble Mr Justice Rakesh Kainthla, Judge.
Whether approved for reporting?[1] No

For the Petitioner	:	Mr Maan Singh, Advocate.
For the Respondent	:	Mr Prashant Sen, Deputy Advocate General.

Rakesh Kainthla, Judge

The petitioner has filed the present petition for seeking regular bail in FIR No. 20 of 2024, dated 08.11.2024, registered at Police Station Manikaran at Kasol, District Kullu, H.P., for the commission of offences punishable under Sections 20 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (NDPS Act).

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

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2. It has been asserted that, as per the prosecution, the petitioner and the co-accused Daleep Budhha were found moving together on 08.11.2024. The police intercepted them and recovered 1.599 kgs of charas from the backpack being carried by co-accused Daleep Budhha. The petitioner is not concerned with the charas recovered by the police. The petitioner has been in custody since 08.11.2024. The allegations in the FIR do not satisfy the ingredients of the commission of offences punishable under Section 20 read with Section 29 of the NDPS Act. No fruitful purpose would be served by detaining the petitioner in custody. 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 had set up a naka at Hurlu Dhaar on 08.11.2024 at about 5:10 am. Two people came towards the police, who returned after seeing the police. The police became suspicious and apprehended them. One person, identified as Daleep Budhha, was carrying a backpack. The petitioner was accompanying him. The police checked the backpack and recovered 1599 grams of charas. The police seized the charas and arrested the petitioner and the co-accused. The charas was

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sent to the SFSL, Junga and as per the report of analysis, it was confirmed to be an extract of cannabis and a sample of charas. The charge sheet was filed before the Court on 27.01.2025. The matter is listed for recording the statements of prosecution witnesses on 22.04.2026. Statements of two witnesses have been recorded. Hence, the status report.

4. I have heard Mr Maan Singh, learned counsel for the petitioner and Mr Prashant Sen, learned Deputy Advocate General for the respondent/State.

5. Mr Maan Singh, learned counsel for the petitioner, submitted that the petitioner is innocent and he was falsely implicated. There is no material against him. The recovery was effected from the co-accused and not the petitioner. The police have filed the charge sheet, and no fruitful purpose would be served by detaining the petitioner in custody. Hence, he prayed that the present petition be allowed and the petitioner be released on bail.

6. Mr Prashant Sen, learned Deputy Advocate General for the respondent/State, submitted that the petitioner was accompanying the co-accused at odd hours. He has not

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furnished any explanation for his presence, and a *prima facie* conclusion regarding the petitioner abetting the possession can be drawn at this stage. The quantity of charas recovered by the police is more than a commercial quantity, and the rigours of Section 37 of NDPS apply to the present case. The petitioner has not satisfied the twin conditions laid down under Section 37 of the NDPS Act, and he is not entitled to bail. Therefore, he prayed that the present petition be dismissed.

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

8. The parameters for granting bail were considered by the Hon'ble Supreme Court in ***Ajwar v. Waseem (2024) 10 SCC 768: 2024 SCC OnLine SC 974,*** wherein it was observed at page 783: -

> ***"Relevant parameters for granting bail***
>
> **26.** While considering as to whether bail ought to be granted in a matter involving a serious criminal offence, the Court must consider relevant factors like the nature of the accusations made against the accused, the manner in which the crime is alleged to have been committed, the gravity of the offence, the role attributed to the accused, the criminal antecedents of the accused, the probability of tampering of the witnesses and repeating the offence, if the accused are released on bail, the likelihood of the accused being unavailable in the event bail is granted, the

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possibility of obstructing the proceedings and evading the courts of justice and the overall desirability of releasing the accused on bail. [Refer: ***Chaman Lal* v. *State of U.P.* [*Chaman Lal* v. *State of U.P.*, (2004) 7 SCC 525: 2004 SCC (Cri) 1974]; *Kalyan Chandra Sarkar v. Rajesh Ranjan [Kalyan Chandra Sarkar v. Rajesh Ranjan, (2004) 7 SCC 528: 2004 SCC (Cri) 1977]; Masroor v. State of U.P. [Masroor v. State of U.P., (2009) 14 SCC 286 : (2010) 1 SCC (Cri) 1368]; Prasanta Kumar Sarkar v. Ashis Chatterjee [Prasanta Kumar Sarkar v. Ashis Chatterjee, (2010) 14 SCC 496 : (2011) 3 SCC (Cri) 765]; Neeru Yadav v. State of U.P. [Neeru Yadav v. State of U.P., (2014) 16 SCC 508 : (2015) 3 SCC (Cri) 527]; Anil Kumar Yadav v. State (NCT of Delhi)[Anil Kumar Yadav v. State (NCT of Delhi), (2018) 12 SCC 129 : (2018) 3 SCC (Cri) 425]; Mahipal v. Rajesh Kumar [Mahipal v. Rajesh Kumar, (2020) 2 SCC 118 : (2020) 1 SCC (Cri) 558] .*]

9. This position was reiterated in ***Ramratan v. State of M.P., 2024 SCC OnLine SC 3068,*** wherein it was observed as under:

> "**12.** The fundamental purpose of bail is to ensure the accused's presence during the investigation and trial. Any conditions imposed must be reasonable and directly related to this objective. This Court in ***Parvez Noordin Lokhandwalla* v. *State of Maharastra (2020) 10 SCC 77*** observed that though the competent court is empowered to exercise its discretion to impose "any condition" for the grant of bail under Sections 437(3) and 439(1)(a) CrPC, the discretion of the court has to be guided by the need to facilitate the administration of justice, secure the presence of the accused and ensure that the liberty of the accused is not misused to impede the investigation, overawe the witnesses or obstruct the course of justice. The relevant observations are extracted herein below:
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> > "**14.** The language of Section 437(3) CrPC, which uses the expression "any condition ... otherwise in the interest of justice" has been construed in several decisions of this Court. *Though the competent court is*

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empowered to exercise its discretion to impose "any condition" for the grant of bail under Sections 437(3) and 439(1)(a) CrPC, the discretion of the court has to be guided by the need to facilitate the administration of justice, secure the presence of the accused and ensure that the liberty of the accused is not misused to impede the investigation, overawe the witnesses or obstruct the course of justice. Several decisions of this Court have dwelt on the nature of the conditions which can legitimately be imposed both in the context of bail and anticipatory bail." (Emphasis supplied)

13. In ***Sumit Mehta* v. *State (NCT of Delhi) (2013) 15 SCC 570***, this Court discussed the scope of the discretion of the Court to impose "any condition" on the grant of bail and observed in the following terms: —

"**15.** The words "any condition" used in the provision should not be regarded as conferring absolute power on a court of law to impose any condition that it chooses to impose. *Any condition has to be interpreted as a reasonable condition acceptable in the facts permissible in the circumstance, and effective in the pragmatic sense, and should not defeat the order of grant of bail.* We are of the view that the present facts and circumstances of the case do not warrant such an extreme condition to be imposed." (Emphasis supplied)

14. This Court, in ***Dilip Singh* v. *State of Madhya Pradesh (2021) 2 SCC 779***, laid down the factors to be taken into consideration while deciding the bail application and observed:

"**4.** It is well settled by a plethora of decisions of this Court that criminal proceedings are not for the realisation of disputed dues. It is open to a court to grant or refuse the prayer for anticipatory bail, depending on the facts and circumstances of the particular case. *The factors to be taken into consideration while considering an application for bail are the nature of the accusation and the severity of the punishment in the*

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> *case of conviction and the nature of the materials relied upon by the prosecution; reasonable apprehension of tampering with the witnesses or apprehension of threat to the complainant or the witnesses; the reasonable possibility of securing the presence of the accused at the time of trial or the likelihood of his abscondence; character, behaviour and standing of the accused; and the circumstances which are peculiar or the accused and larger interest of the public or the State and similar other considerations.* A criminal court, exercising jurisdiction to grant bail/anticipatory bail, is not expected to act as a recovery agent to realise the dues of the complainant, and that too, without any trial." (Emphasis supplied)

10. A similar view was taken in ***Shabeen Ahmed versus State of U.P., 2025 SCC Online SC 479.***

11. The present petition is to be decided as per the parameters laid down by the Hon'ble Supreme Court.

12. The status report shows that the petitioner and the co-accused were walking together at 5:10 am. Both of them ran away after seeing the police and were apprehended by the police. The petitioner and the co-accused are permanent residents of Nepal. All these circumstances, *prima facie*, show that the petitioner was aware of the fact that the co-accused was carrying the contraband in his carry bag. He has not provided any explanation for running away after seeing the police. Thus, there exists *prima facie* sufficient material to connect the

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petitioner to the commission of an offence punishable under Section 20 read with Section 29 of the NDPS Act.

13. The status report shows that the police had recovered 1.599 kgs of charas, which is a commercial quantity. Therefore, the rigours of Section 37 of the NDPS Act apply to the present case.

14. Section 37 of the NDPS Act provides that in an offence involving a commercial quantity, the Court should be satisfied that the accused is not guilty of the commission of an offence and is not likely to commit any offence while on bail. It reads as follows:

> "37. Offences to be cognisable and non-bailable. –
>
> (1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974)—
>
> (a) every offence punishable under this Act shall be cognisable.
>
> (b) no person accused of an offence punishable for offences under section 19, section 24, or section 27A and also for offences involving commercial quantity, shall be released on bail or his own bond unless–
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> (i) the Public Prosecutor has been given an opportunity to oppose the application for such release, and
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> (ii) where the Public Prosecutor opposes the application, the court is satisfied that there

> are reasonable grounds for believing that he is not guilty of such an offence and that he is not likely to commit any offence while on bail.
>
> (2) The limitations on granting of bail specified in clause (b) of sub-section (1) are in addition to the limitations under the Code of Criminal Procedure, 1973 (2 of 1974) or any other law for the time being in force, on granting of bail."

15. This Section was interpreted by the Hon'ble Supreme Court in ***Union of India Versus Niyazuddin& Another (2018) 13 SCC 738,*** and it was held that in the absence of the satisfaction that the accused is not guilty of an offence and he is not likely to commit an offence while on bail, he cannot be released. It was observed:

> "7. Section 37 of the NDPS Act contains special provisions with regard to the grant of bail in respect of certain offences enumerated under the said Section. They are:
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> (1) In the case of a person accused of an offence punishable under Section 19,
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> (2) Under Section 24,
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> (3) Under Section 27A and
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> (4) offences involving a commercial quantity.
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> 8. The accusation in the present case is with regard to the fourth factor, namely, commercial quantity. Be that as it may, once the Public Prosecutor opposes the application for bail to a person accused of the enumerated offences under Section 37 of the NDPS Act, in case the court proposes to grant bail to such a person, two conditions are to be mandatorily satisfied in addition to the normal

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requirements under the provisions of the Cr.P.C. or any other enactment.

(1) The court must be satisfied that there are reasonable grounds for believing that the person is not guilty of such an offence;

(2) that person is not likely to commit any offence while on bail."

16. This position was reiterated in ***State of Kerala Versus Rajesh, AIR 2020 SC 721,*** wherein it was held:

"19. This Court has laid down broad parameters to be followed while considering the application for bail moved by the accused involved in offences under the NDPS Act. In ***Union of India vs Ram Samujh and Ors., (1999) 9 SCC 429***, it has been elaborated as under: -

"7. It is to be borne in mind that the aforesaid legislative mandate is required to be adhered to and followed. It should be borne in mind that in a murder case, the accused commits the murder of one or two persons, while those persons who are dealing in narcotic drugs are instrumental in causing death or in inflicting death-blow to a number of innocent young victims, who are vulnerable; it causes deleterious effects and a deadly impact on the society; they are a hazard to the society; even if they are released temporarily, in all probability, they would continue their nefarious activities of trafficking and/or dealing in intoxicants clandestinely. The reason may be the large stake and illegal profit involved. This Court, dealing with the contention with regard to punishment under the NDPS Act, has succinctly observed about the adverse effect of such activities in ***Durand Didier vs Chief Secy. Union Territory of Goa, (1990) 1 SCC 95)*** as under:

> 24. With deep concern, we may point out that the organised activities of the underworld and the clandestine smuggling of narcotic drugs and psychotropic substances into this country and illegal trafficking in such drugs and substances have led to drug addiction among a sizeable section of the public, particularly the adolescents and students of both sexes and the menace has assumed serious and alarming proportions in the recent years. Therefore, in order to effectively control and eradicate this proliferating and booming devastating menace, causing deleterious effects and a deadly impact on society as a whole, Parliament, in its wisdom, has made effective provisions by introducing Act 81 of 1985 specifying mandatory minimum imprisonment and fine.

8. To check the menace of dangerous drugs flooding the market, Parliament has provided that the person accused of offences under the NDPS Act should not be released on bail during trial unless the mandatory conditions provided in Section 37, namely,

> (i) there are reasonable grounds for believing that the accused is not guilty of such offence; and
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> (ii) that he is not likely to commit any offence while on bail are satisfied. The High Court has not given any justifiable reason for not abiding by the aforesaid mandate while ordering the release of the respondent accused on bail. Instead of attempting to take a holistic view of the harmful socio-economic consequences and health hazards which would accompany trafficking illegally in dangerous drugs, the court should implement the law in the spirit with which

> Parliament, after due deliberation, has amended."
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> 20. The scheme of Section 37 reveals that the exercise of power to grant bail is not only subject to the limitations contained under Section 439 of the CrPC but is also subject to the limitation placed by Section 37, which commences with the non-obstante clause. The operative part of the said section is in the negative form prescribing the enlargement of bail to any person accused of the commission of an offence under the Act unless the two conditions are satisfied. The first condition is that the prosecution must be given an opportunity to oppose the application, and the second is that the Court must be satisfied that there are reasonable grounds for believing that he is not guilty of such an offence. If either of these two conditions is not satisfied, the ban on granting bail operates.
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> 21. The expression "reasonable grounds" means something more than prima facie grounds. It contemplates substantial probable causes for believing that the accused is not guilty of the alleged offence. The reasonable belief contemplated in the provision requires the existence of such facts and circumstances as are sufficient in themselves to justify satisfaction that the accused is not guilty of the alleged offence. In the case at hand, the High Court seems to have completely overlooked the underlying object of Section 37 that, in addition to the limitations provided under the CrPC, or any other law for the time being in force, regulating the grant of bail, its liberal approach in the matter of bail under the NDPS Act is indeed uncalled for."

17. A similar view was taken in ***Union of India v. Mohd. Nawaz Khan, (2021) 10 SCC 100: (2021) 3 SCC (Cri) 721: 2021 SCC OnLine SC 1237,*** wherein it was observed at page 110:

"**21.** Under Section 37(1)(*b*)(*ii*), the limitations on the grant of bail for offences punishable under Sections 19, 24 or 27-A and also for offences involving a commercial quantity are:

> (*i*) The Prosecutor must be given an opportunity to oppose the application for bail; and
>
> (ii) There must exist "reasonable grounds to believe" that (*a*) the person is not guilty of such an offence, and (*b*) he is not likely to commit any offence while on bail.

22. The standard prescribed for the grant of bail is "reasonable ground to believe" that the person is *not* guilty of the offence. Interpreting the standard of "reasonable grounds to believe", a two-judge Bench of this Court in ***Shiv Shanker Kesari*** [***Union of India v. Shiv Shanker Kesari, (2007) 7 SCC 798: (2007) 3 SCC (Cri) 505***], held that: (SCC pp. 801-02, paras 7-8 & 10-11)

> "*7. The expression used in Section 37(1)(b)(ii) is "reasonable grounds". The expression means something more than prima facie grounds. It connotes substantial probable causes for believing that the accused is not guilty of the offence charged, and this reasonable belief contemplated, in turn, points to the existence of such facts and circumstances as are sufficient in themselves to justify the recording of satisfaction that the accused is not guilty of the offence charged.*
>
> *8*. The word "reasonable" has in law the prima facie meaning of reasonable in regard to those circumstances of which the actor, called on to act reasonably, knows or ought to know. It is difficult to give an exact definition of the word "reasonable".
>
> '*7. ... Stroud's Judicial Dictionary*, 4th Edn., p. 2258 states that it would be unreasonable to expect an exact definition of the word "reasonable". Reason varies in its conclusions according to the

idiosyncrasies of the individual and the times and circumstances in which he thinks. The reasoning which built up the old scholastic logic sounds now like the jingling of a child's toy.'

[See ***MCD v. Jagan Nath Ashok Kumar [MCD v. Jagan Nath Ashok Kumar, (1987) 4 SCC 497], SCC p. 504, para 7 and Gujarat Water Supply & Sewerage Board v. Unique Erectors (Gujarat) (P) Ltd. [Gujarat Water Supply & Sewerage Board v. Unique Erectors (Gujarat) (P) Ltd., (1989) 1 SCC 532***]]

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10. The word "reasonable" signifies "in accordance with reason". In the ultimate analysis, it is a question of fact whether a particular act is reasonable or not, which depends on the circumstances in a given situation. (See ***Municipal Corpn. of Greater Mumbai v. Kamla Mills Ltd. [Municipal Corpn. of Greater Mumbai v. Kamla Mills Ltd. (2003) 6 SCC 315***]

11. The court, while considering the application for bail with *reference* to Section 37 of the Act, is not called upon to record a finding of not guilty. It is for the limited purpose essentially confined to the question of releasing the accused on bail that the court is called upon to see if there are reasonable grounds for believing that the accused is not guilty and records its satisfaction about the existence of such grounds. But the court has not to consider the matter as if it is pronouncing a judgment of acquittal and recording a finding of not guilty." (emphasis supplied)

23. Based on the above precedent, the test which the High Court and this Court are required to apply while granting bail is whether there are reasonable grounds to believe that the accused has *not* committed an offence and whether he is likely to commit any offence while on bail. Given the seriousness of offences punishable under the

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> NDPS Act and in order to curb the menace of drug trafficking in the country, stringent parameters for the grant of bail under the NDPS Act have been prescribed."

18. It was held in ***Union of India v. Ajay Kumar Singh, 2023 SCC OnLine SC 346,*** that bail cannot be granted without complying with the requirement of Section 37 of the NDPS Act. It was observed:

> **4.** This apart, it is noticed that the High Court, in passing the impugned order of bail, had lost sight of Section 37 of the NDPS Act, which, *inter alia*, provides that no person accused of an offence involving commercial quantity shall be released on bail unless the twin conditions laid down therein are satisfied, namely, (i) the public prosecutor has been given an opportunity to oppose the bail application; and (ii) the court is satisfied that there are reasonable grounds for believing that he is not guilty of such an offence and that he is not likely to commit any such offence while on bail.
>
> **15.** For the sake of convenience Section 37(1) is reproduced hereinbelow:—
>
> "37. Offences to be cognisable and non-bailable.-
>
> (1) Notwithstanding anything contained in the Criminal Procedure Code, 1973 (2 of 1974)-
>
> (a) every offence punishable under this Act shall be cognisable.
>
> (b) no person accused of an offence punishable for offences under section 19 or section 24 or section 27A, and also for offences involving commercial quantity, shall be released on bail or on his own bond unless-

(i) the Public Prosecutor has been given an opportunity to oppose the application for such release, and

(ii) where the Public Prosecutor opposes the application, the court is satisfied that there are reasonable grounds for believing that he is not guilty of such offence and that he is not likely to commit any offence while on bail."

16. In view of the above provisions, it is implicit that no person accused of an offence involving trade in a commercial quantity of narcotics is liable to be released on bail unless the court is satisfied that there are reasonable grounds for believing that he is not guilty of such an offence and that he is not likely to commit any offence while on bail.

19. It was held in ***State of Meghalaya v. Lalrintluanga Sailo, 2024 SCC OnLine SC 1751,*** that the grant of bail without considering Section 37 of the NDPS Act is impermissible. It was observed:

"**5.** There cannot be any doubt with respect to the position that, in cases involving the commercial quantity of narcotic drugs or psychotropic substances, while considering the application of bail, the Court is bound to ensure the satisfaction of conditions under Section 37(1)(b)(ii) of the NDPS Act. The said provision reads thus:—

"37(1)(b)(ii)- where the Public Prosecutor opposes the application, the court is satisfied that there are reasonable grounds for believing that he is not guilty of such offence and that he is not likely to commit any offence while on bail."

6. While considering the cases under the NDPS Act, one cannot be oblivious of the objects and reasons for bringing the said enactment after repealing the then-

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existing laws relating to Narcotic drugs. The object and reasons given in the acts themselves read thus:—

> *"An act to consolidate and amend the law relating to narcotic drugs, to make stringent provisions for the control and regulation of operations relating to narcotic drugs and psychotropic substances, to provide for the forfeiture of property derived from, or used in, illicit traffic in narcotic drugs and psychotropic substances, to implement the provisions of the International Convention on Narcotic Drugs and Psychotropic Substances and for matters connected therewith."*

In the decision in ***Collector of Customs, New Delhi v. Ahmadalieva Nodira (2004) 3 SCC 549***, the three-judge bench of this Court considered the provisions under Section 37(1)(b) as also 37(1)(b)(ii) of the NDPS Act, with regard to the expression "reasonable grounds" used therein. This Court held that it means something more than the *prima facie* grounds and that it contemplates substantial and probable causes for believing that the accused is not guilty of the alleged offence. Furthermore, it was held that the reasonable belief contemplated in the provision would require the existence of such facts and circumstances as are sufficient in themselves to justify satisfaction that the accused is not guilty of the alleged offence.

As relates to the twin conditions under Section 37(1)(b)(ii) of the NDPS Act, viz., that, firstly, there are reasonable grounds for believing that the accused is not guilty of such offence and, secondly, he is not likely to commit any offence while on bail it was held therein that they are cumulative and not alternative. Satisfaction of the existence of those twin conditions had to be based on the 'reasonable grounds', as referred to above.

7. In the decision in ***State of Kerala v. Rajesh (2020) 12 SCC 122***, after reiterating the broad parameters laid down by this Court to be followed while considering an application for bail moved by an accused involved in offences under

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> the NDPS Act, in paragraph 18 thereof this Court held that the scheme of Section 37 of the NDPS Act would reveal that the exercise of power to grant bail in such cases is not only subject to the limitations contained under Section 439 of the Code of Criminal Procedure, but also subject to the limitation placed by Section 37(1)(b)(ii), NDPS Act. Further, it was held that in case one of the two conditions thereunder is not satisfied, the ban on granting bail would operate.
>
> **8.** Thus, the provisions under Section 37(1)(b)(ii) of the NDPS Act and the decisions referred supra reveal the consistent view of this Court that while considering the application for bail made by an accused involved in an offence under the NDPS Act, a liberal approach ignoring the mandate under Section 37 of the NDPS Act is impermissible. Recording a finding mandated under Section 37 of the NDPS Act, which is a *sine qua non* for granting bail to an accused under the NDPS Act, cannot be avoided while passing orders on such applications."

20. In the present case, the prosecution has collected sufficient material to *prima facie* connect the petitioner with the commission of the crime. There is nothing on record to show that the petitioner would not indulge in the commission of an offence if released on bail. Hence, he has not satisfied the twin conditions laid down in Section 37 of the ND&PS Act.

21. It was submitted that the bail is a Rule and Jail is an exception, and the petitioner is entitled to bail on this consideration. This submission will not help the petitioner, as he is *prima facie* involved in the commission of an offence

punishable under Section 20 of the NDPS Act involving the commercial quantity. It was laid down by the Hon'ble Supreme Court in ***Narcotics Control Bureau v. Kashif, (2024) 11 SCC 372: 2024 SCC OnLine SC 3848*** that in cases under the NDPS Act involving the commercial quantity, the negation of bail is the rule and its grant an exception. It was observed at page 381:

> ***"Compliance with the mandate under Section 37***
>
> **9.** There has been a consistent and persistent view of this Court that in the NDPS cases, where the offence is punishable with a minimum sentence of ten years, the accused shall generally not be released on bail. *Negation of bail is the rule, and its grant is an exception*. While considering the application for bail, the court has to bear in mind the provisions of Section 37 of the NDPS Act, which are mandatory in nature. The recording of findings as mandated in Section 37 is a sine qua non for granting bail to the accused involved in the offences under the said Act."

22. Mr Maan Singh, learned counsel for the petitioner, relied upon the judgment of this Court in ***Gaurav Kumar @ Jolly vs. State of H.P. 2025:HHC:40799***. In the cited case, the petitioner was apprehended based on the call detail record and the financial transaction, which were found to be insufficient. In the present case, the petitioner was walking with the co-accused and ran away after seeing the police. Therefore, the cited judgment does not apply to the present case.

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23. No other point was urged.

24. In view of the above, the present petition fails, and the same is dismissed.

25. The observation made herein before shall remain confined to the disposal of the instant petition and will have no bearing ,whatsoever, on the merits of the case.

(Rakesh Kainthla)
Judge

27th February, 2026
(Nikita)