

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Cr. MP(M) No. 2052 of 2025

Reserved on: 18.11.2025

Date of Decision: 25.11.2025.

Rahul Verma

...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 Rajiv Jiwan, Senior Advocate,
with M/s Nitin Soni and Yug
Singhal, Advocates.

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

Rakesh Kainthla, Judge

The petitioner has filed the present petition for seeking pre-arrest bail in FIR No. 107 of 2024, dated 14.8.2024, registered at Police Station, Sadar, District Shimla, H.P., for the commission of offences punishable under Sections 21, 27A and 29 of the Narcotic Drugs and Psychotropic Substances Act (NDPS) and Section 111 of Bhartiya Nyaya Sanhita, 2023) (BNS).

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

2. It has been asserted that the petitioner is a government servant in the Police Department, having an unblemished service record and respectable family background. The petitioner was falsely implicated in this case. No recovery was effected from the petitioner. There is no financial transaction connecting the petitioner to the commission of crime. Rigours of Section 37 of the NDPS Act are not attracted to the present case. The charge sheet has already been filed, and the custodial interrogation of the petitioner is not required. The petitioner is being named based on the statement made by the co-accused during the investigation. No clear chain of evidence has been established by the prosecution. The petitioner would abide by the terms and conditions that the Court may impose. Hence, the petition.

3. The petition is opposed by filing status report asserting that the police were on patrolling duty on 13.8.2024. secret information was received on 14th August 2024 at about 12:05 am that two persons staying in room number 101 of the hotel Himachal had a huge quantity of narcotics. The police reduced the information to writing and sent it to the supervisory officer. The police went to room number 101 with independent

witnesses. Suraj and Rohit Pandey were found in the room. The police searched the room and recovered one polythene packet containing 6.380 grams of heroin and a digital weighing machine. The police seized the heroin and the digital weighing machine. The police arrested the occupants of the room. Suraj and Rohit Pandey disclosed during the investigation that Sandeep Shah had supplied the heroin to them. Sandeep Shah used to send the location and direct them to keep the heroin in those locations. They would drop the heroin and send the location to Sandeep Shah via WhatsApp. The police checked the call detail records and the bank account statements. The police found that Jitender Verma, Jugal Kishore and Aastik Chauhan were in contact with Rohit Pandey and Suraj. They had transferred a huge amount to Sandeep Shah's bank account. Police arrested Jitender Verma, Jugal Kishore, Aastik Chauhan, Sandeep Shah and Neeraj Kashyap. The police found during the investigation that Sandeep Shah was dealing in narcotics. FIR number 108/2022 and FIR number 190/21 were registered against him. The main accused, Sandeep Shah, disclosed during the interrogation that the police officials were also involved in the commission of the offence. He named Jugal Kishore, Sandy, Rajat and Rohit. The police arrested

Jugal Kishore and Rajat Chandel. Rajat Chandel disclosed during interrogation that Honey Verma, Advocate, the cousin of Rahul Verma (bail petitioner), had transferred money by saying that it was a fee for the clients. The bail petitioner used to inquire from Rajat Chandel about the transfer of the money. Rajat Chandel had transferred ₹1.5 lacs to the petitioner. The police checked four mobile phones of Sandeep Shah and found that Mobile No.xxx820 was saved in the mobile phone of Sandeep Shah as Bhai Original and Rahul Bhai (Bhai Original). This number was found to be in touch with the virtual mobile No.xxx260 on 5.8.2024 and xxx545 between 12.9.2024 to 16.9.2024. One mobile number, xxx083, was found to be in touch with the mobile numbers of Sandeep Shah on xxx990. The chat was found in the mobile related to the partnership in narcotics, getting the heroin on the location, taking it in packets, depositing the money, change of name, saving the number with deep glasses, tracking by the police, inability to help Sandeep Shah due to transfer, passing the information of Police naka and sending heroin by courier. Mobile No.xxx083 was found to be operating in Kolkata city till 12.4.2024. Tapushi Shah, mother of Sandeep Shah, was called by this number. This number was operated at Shimla between 15.4.2024

and 20.8.2024. The IMEI No. 1671 was found to be in touch with mobile No.xxx083. It was found that mobile No.xxx083 was used on this IMEI No. till 19.10.2024. Thereafter, mobile No.xxx316 was used on this IMEI number. One number was found to be issued to the petitioner's wife. The police seized the mobile set having this IMEI number and sent it to FSL. This mobile set was used by the petitioner's parents-in-law. Dila Ram, father-in-law of the petitioner, died in June 2025, and the mother-in-law used the mobile set after 25.8.2025. SBI Account No. xxx377, belonging to the petitioner's father, was sent to Sandeep Shah. Sandeep Shah had transferred ₹86,300/- to this account. This money was withdrawn on the 18th. Petitioner's father revealed on interrogation that the petitioner was authorised to operate this account. The mobile number of the petitioner, xxx820, was found linked to this account. Sandeep Shah had transferred ₹2,45,500/- 15 times between 30.8.2024 to 21.10.2024 to the account of Rajat Chandel. A message of transfer was sent to Sandeep Shah on 15.10.2025, and it was found that only the petitioner was transferred on that day. The petitioner formatted his mobile after the arrest of Rajat Chandel. He did not cooperate with the investigation. He is to be interrogated to ascertain the SIM

number and mobile handset, the details of other police officials involved in the commission of the crime and the recovery of the phone, which was used for WhatsApp chat. Therefore, it was prayed that the present petition be dismissed.

4. I have heard Mr Rajiv Jiwan, learned Senior Counsel assisted by M/s Nitin Soni and Yug Singhal, learned counsel for the petitioner, and Mr Prashant Sen, learned Deputy Advocate General, for the respondent-State.

5. Mr Rajiv Jiwan, learned Senior Counsel for the petitioner, submitted that the petitioner is innocent and he was falsely implicated. There is no material to connect the petitioner to the commission of the crime except the statement made by the co-accused Sandeep Shah, which is inadmissible in evidence. The petitioner cannot be held to be part of a crime syndicate defined under Section 111 of BNS. The right to silence is a valuable right of the petitioner and cannot be sacrificed during the investigation. He relied upon the judgment of *Sagar v. State of HP* 2024:HHC:7410, *Anshul Rana Vs. State of H.P. and others* 2025:HHC:11014, *Hemant Kumar Vs. State of Haryana, SLP (Crl.) No. 232 of 2024*, *Bijender Vs. State of Haryana, SLP (Crl.) No. 1079 of*

2024 and *Shivani Vs. State of H.P.* 2023:HHC:13949, in support of his submission.

6. Mr Prashant Sen, learned Deputy Advocate General, for the respondent-State, submitted that the police have collected sufficient material to connect the petitioner to the commission of the crime. Sandeep Shah was supplying heroin to various persons in Shimla. He had appointed many persons for the supply of the heroin, and the petitioner was one of them. The petitioner was supplying information regarding the police activities to Sandeep Shah in exchange for money. The custodial interrogation of the petitioner is necessary to ascertain the involvement of other persons and the recovery of incriminating articles connected to the commission of the crime. The petitioner did not cooperate with the investigation, and the investigation cannot continue without the custodial interrogation of the petitioner. 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. It was laid down by the Hon'ble Supreme Court in *P. Chidambaram v. Directorate of Enforcement*, (2019) 9 SCC 24; (2019) 3 SCC (Cri) 509; 2019 SCC OnLine SC 1143 that the jurisdiction to grant pre-arrest bail is extraordinary and should be sparingly exercised. It was observed:

“69. Ordinarily, an arrest is a part of the procedure of the investigation to secure not only the presence of the accused but also several other purposes. Power under Section 438 Cr.P.C. is an extraordinary power, and the same has to be exercised sparingly. The privilege of pre-arrest bail should be granted only in exceptional cases. The judicial discretion conferred upon the court has to be properly exercised after application of mind as to the nature and gravity of the accusation; the possibility of the applicant fleeing justice, and other factors to decide whether it is a fit case for the grant of anticipatory bail. Grant of anticipatory bail to some extent interferes with the sphere of investigation of an offence, and hence, the court must be circumspect while exercising such power for the grant of anticipatory bail. Anticipatory bail is not to be granted as a matter of rule, and it has to be granted only when the court is convinced that exceptional circumstances exist to resort to that extraordinary remedy.”

9. This position was reiterated in *Srikant Upadhyay v. State of Bihar*, 2024 SCC OnLine SC 282, wherein it was held:

“25. We have already held that the power to grant anticipatory bail is extraordinary. Though in many cases it was held that bail is said to be a rule, it cannot, by any stretch of the imagination, be said that anticipatory bail is the rule. It cannot be the rule, and the question of its grant should be left to the cautious and judicious discretion of

the Court, depending on the facts and circumstances of each case. While called upon to exercise the said power, the Court concerned has to be very cautious, as the grant of interim protection or protection to the accused in serious cases may lead to a miscarriage of justice and may hamper the investigation to a great extent, as it may sometimes lead to tampering or distraction of the evidence. We shall not be understood to have held that the Court shall not pass interim protection pending consideration of such application as the Section is destined to safeguard the freedom of an individual against unwarranted arrest, and we say that such orders shall be passed in eminently fit cases.”

10. It was held in *Pratibha Manchanda v. State of Haryana*, (2023) 8 SCC 181: 2023 SCC OnLine SC 785 that the Courts should balance individual rights, public interest and fair investigation while considering an application for pre-arrest bail. It was observed:

“21. The relief of anticipatory bail is aimed at safeguarding individual rights. While it serves as a crucial tool to prevent the misuse of the power of arrest and protects innocent individuals from harassment, it also presents challenges in maintaining a delicate balance between individual rights and the interests of justice. The tightrope we must walk lies in striking a balance between safeguarding individual rights and protecting public interest. While the right to liberty and presumption of innocence are vital, the court must also consider the gravity of the offence, the impact on society, and the need for a fair and free investigation. The court's discretion in weighing these interests in the facts and circumstances of each case becomes crucial to ensure a just outcome.”

11. It was held in *Devinder Kumar Bansal v. State of Punjab*, (2025) 4 SCC 493: 2025 SCC OnLine SC 488 that pre-arrest bail can be granted in exceptional circumstances where the Court is of the view that the petitioner was falsely implicated in the case, and the presumption of innocence cannot be a reason to grant pre-arrest bail. It was observed at page 501:

“21. The parameters for the grant of anticipatory bail in a serious offence like corruption are required to be satisfied. Anticipatory bail can be granted only in exceptional circumstances where the court is prima facie of the view that the applicant has been falsely implicated in the crime or the allegations are politically motivated or are frivolous. So far as the case at hand is concerned, it cannot be said that any exceptional circumstances have been made out by the petitioner-accused for the grant of anticipatory bail, and there is no frivolity in the prosecution.

22. In the aforesaid context, we may refer to a pronouncement in *CBI v. V. Vijay Sai Reddy* [*CBI v. V. Vijay Sai Reddy*, (2013) 7 SCC 452: (2013) 3 SCC (Cri) 563], wherein this Court expressed thus: (SCC p. 465, para 34)

“34. While granting bail, the court has to keep in mind the nature of accusation, the nature of evidence in support thereof, the severity of the punishment which conviction will entail, the character of the accused, circumstances which are peculiar to the accused, reasonable possibility of securing the presence of the accused at the trial, reasonable apprehension of the witnesses being tampered with, the larger interests of the public/State and other similar considerations. It has also to be kept in mind that for the purpose of granting bail, the legislature has used the words “reasonable grounds for believing” instead of “the evidence” which

means the court dealing with the grant of bail can only satisfy itself as to whether there is a genuine case against the accused and that the prosecution will be able to produce prima facie evidence in support of the charge. It is not expected, at this stage, to have the evidence establishing the guilt of the accused beyond a reasonable doubt.” (emphasis in original and supplied)

23. The presumption of innocence, by itself, cannot be the sole consideration for the grant of anticipatory bail. The presumption of innocence is one of the considerations that the court should keep in mind while considering the plea for anticipatory bail. The salutary rule is to balance the cause of the accused and the cause of public justice. Over-solicitous homage to the accused's liberty can, sometimes, defeat the cause of public justice.

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

13. It was submitted that the petitioner is being involved based on the statement made by the co-accused, which is inadmissible in evidence. Reliance was placed upon the judgment of the Hon’ble Supreme Court in *Tofan Singh v. State of Tamil Nadu, 2021 4 SCC (1)*. The Hon’ble Supreme Court considered this judgment in *Union of India vs Khaliludeen 2022 Supreme SC 1247* and denied bail to the accused, who was named by the co-accused. It was observed: -

“8. The answer to said question could be the statement recorded by Md. Nizam Uddin. The statement of Md. Jakir Hussain, recorded under Section 67 of the act, has also

named his owner Abdul Hai. We are conscious of the fact that the validity and scope of such statements under Section 67 have been pronounced upon by this Court in *Tofan Singh vs. State of Tamil Nadu*, (2021) 4 SCC 1. In *State by (NCB) Bengaluru vs. Pallulabid Ahmad Arimutta and Another*, 2022 Live Law (SC) 69, the rigour of law laid down by this Court in *Tofan Singh* was held to be applicable even at the stage of grant of bail.

9. However, going by the circumstances on record, at this stage, on the strength of the statement of Md. Nizam Uddin, though allegedly retracted later, the matter stands on a different footing. In our considered view, in the face of the mandate of Section 37 of the Act, the High Court could not and ought not to have released the accused on bail. We, therefore, allow these appeals, set aside the view taken by the High Court and direct that both the appellants be taken in custody forthwith”.

14. This position was reiterated in *Union of India v. Ajay Kumar Singh*, 2023 SCC OnLine SC 346, wherein it was held:

“11. The information revealed by the above two accused persons indicated that both of them knew the respondent-accused and that they had connived with him to transport the illicit ganja, and that they were in direct contact with the respondent-accused all through his mobile number. The facts as unfurled from the complaint/FIR and the statements of the above two accused persons recorded under Section 67 of the NDPS Act reveal that the respondent-accused is the kingpin and the organiser of the illicit trade in ganja

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17. The quantity of “ganja” recovered is admittedly of commercial quantity. The High Court has not recorded any finding that the respondent-accused is not *prima facie* guilty of the offence alleged and that he is not likely to commit the same offence when enlarged on bail; rather,

his antecedents are indicative that he is a regular offender. In the absence of a recording of such satisfaction by the court, we are of the opinion that the High Court manifestly erred in enlarging the respondent-accused on bail.

15. It was held by the Hon'ble Supreme Court in *State of Haryana v. Samarth Kumar*, 2022 SCC OnLine SC 2087, that the accused cannot be released on pre-arrest bail relying upon the judgment in *Tofan Singh* (supra). It was observed:

“4. The High Court decided to grant pre-arrest bail to the respondents on the only ground that no recovery was effected from the respondents and that they had been implicated only on the basis of the disclosure statement of the main accused, Dinesh Kumar. Therefore, reliance was placed by the High Court in the majority judgment of this Court in *Tofan Singh v. State of Tamil Nadu*, (2021) 4 SCC 1.

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8. In cases of this nature, the respondents may be able to take advantage of the decision in *Tofan Singh v. State of Tamil Nadu* (supra), perhaps at the time of arguing the regular bail application or at the time of final hearing after the conclusion of the trial.

9. To grant anticipatory bail in a case of this nature is not really warranted. Therefore, we are of the view that the High Court fell into an error in granting anticipatory bail to the respondents.” (Emphasis supplied)

16. These judgments were followed by this Court in *Rajesh Kumar v. State of H.P.*, Cr.MP(M) No. 458 of 2025, decided on 25.3.2025, and it was held that the pre-arrest bail can be denied to a person named by the co-accused to enable the police to interrogate the petitioner. An SLP No. 55547 of 2025 titled *Rajesh*

Kumar Vs. State of H.P. against this order was withdrawn on 21.4.2025. It was held by this Court in *Jatinder Pal Singh vs. State of HP 2025:HHC:20446* that a person named by the co-accused is not entitled to pre-arrest bail. This order was upheld by the Hon'ble Supreme Court in *Jatinder Pal Singh vs. State of HP, Petition for Special Leave to Appeal (Crl.) No. 9629/2025 decided on 10.07.2025*.

17. Thus, the submission that the statement made by the co-accused is inadmissible and the petitioner is entitled to pre-arrest bail cannot be accepted.

18. The status report shows that there is sufficient material, at this stage, to *prima facie* connect the petitioner with Sandeep Shah. The police recovered a WhatsApp chat in which the person informed Sandeep Shah that he had been transferred. Only the petitioner was transferred on the day of the chat, as per the record. Sandeep Shah had transferred money to the account of the petitioner's father, and as per the statement made by the petitioner's father, the petitioner was operating the account. The petitioner's mobile phone was linked to the account, which *prima facie* corroborates the version of the petitioner's father. The WhatsApp chat indicated that the petitioner was the person

chatting with Sandeep Shah. All these circumstances justify the investigation of the petitioner's role in the supply of heroin.

19. It was submitted that the status report does not show that the petitioner had abetted the possession of 6.380 grams of heroin by Suraj and Rohit Pandey. This submission overlooks the fact that the investigation regarding the possession led the police to Sandeep Shah, who was found to be involved in the supply of heroin to various persons. The police have *prima facie* collected sufficient material to connect the petitioner to Sandeep Shah, and the role of the petitioner regarding the supply is being investigated, justifying his interrogation.

20. It was submitted that Section 111 of BNS is not attracted to the petitioner's case, and the reliance was placed upon the order in *Anshul Rana* (supra). This submission cannot be appreciated at this stage. The investigation is continuing, and it is premature to say anything about the applicability of this Section. The order in *Anshul Rana* (supra) was delivered after the police had collected sufficient material and the accused were in judicial custody. In the present case, the petitioner is yet to be arrested,

the material is yet to be collected and commenting on anything about the applicability of Section 111 of BNS would be premature.

21. The police asserted that the interrogation of the petitioner is necessary to ascertain the names of the persons involved in the supply of heroin. The police are yet to recover the handset, the weighing machine and the vehicle used in the commission of the crime. These circumstances justify the pre-trial detention of the petitioner. It was laid down by the Hon'ble Supreme Court in *State Versus Anil Sharma (1997) 7 SCC 187* that where custodial interrogation is required, pre-arrest bail should not be granted. It was observed: -

“6. We find force in the submission of the CBI that custodial interrogation is qualitatively more elicitation-oriented than questioning a suspect who is well-ensconced with a favourable order under Section 438 of the Code. In a case like this, effective interrogation of a suspected person is of tremendous advantage in disinterring many useful information and also materials which would have been concealed. Success in such interrogation would elude if the suspected person knows that he is well protected and insulated by a pre-arrest bail order during the time he is interrogated. Very often, interrogation in such a condition would reduce to a mere ritual. The argument that the custodial interrogation is fraught with the danger of the person being subjected to third-degree methods need not be countenanced, for such an argument can be advanced by all accused in all criminal cases. The Court has to presume that responsible Police Officers would conduct themselves

in a responsible manner and that those entrusted with the task of disinterring offences would not conduct themselves as offender”

22. A similar view was taken by the Delhi High Court in *Mukesh Khurana v. State (NCT of Delhi)*, 2022 SCC OnLine Del 1032, wherein it was observed: –

“13. One of the significant factors in determining this question would be the need for custodial interrogation. Without a doubt, custodial interrogation is more effective to question a suspect. The cocoon of protection afforded by a bail order insulates the suspect, and he could thwart interrogation, reducing it to futile rituals. But it must also be kept in mind that while interrogation of a suspect is one of the basic and effective methods of crime solving, the liberty of an individual also needs to be balanced out.”

23. It was held in *P Chidambaram* (supra) that the grant of pre-arrest bail may hamper the investigations. It was observed:

“83. Grant of anticipatory bail at the stage of investigation may frustrate the investigating agency in interrogating the accused and in collecting useful information, and also the materials which might have been concealed. Success in such interrogation would elude if the accused knows that he is protected by the order of the court. Grant of anticipatory bail, particularly in economic offences, would definitely hamper the effective investigation. Having regard to the materials said to have been collected by the respondent Enforcement Directorate and considering the stage of the investigation, we are of the view that it is not a fit case to grant anticipatory bail.”

24. It was submitted that the petitioner has a right to silence and he cannot be compelled to be a witness against

himself. There can be no dispute with this proposition of law; however, the recovery of an article in the custody of the police pursuant to the disclosure statement made by a person does not violate the right of self-incrimination as was laid down by the Hon'ble Supreme Court in the *State of Bombay v. Kathi Kalu Oghad*, 1961 SCC OnLine SC 74 : (1962) 3 SCR 10 : (1963) 1 SCJ 195: AIR 1961 SC 1808 : (1961) 2 Cri LJ 856 wherein it was observed:

“15. In order to bring the evidence within the inhibitions of clause (3) of Article 20, it must be shown not only that the person making the statement was an accused at the time he made it and that it had a material bearing on the criminality of the maker of the statement, but also that he was compelled to make that statement. “Compulsion” in the context must mean what in law is called “duress”. In the *Dictionary of English Law* by Earl Jowitt, “duress” is explained as follows:

“Duress is where a man is compelled to do an act by injury, beating or unlawful imprisonment (sometimes called duress in the strict sense) or by the threat of being killed, suffering some grievous bodily harm, or being unlawfully imprisoned (sometimes called menace, or duress *per mines*). Duress also includes threatening, beating or imprisonment of the wife, parent or child of a person.”

The compulsion in this sense is a physical objective act and not the state of mind of the person making the statement, except where the mind has been so conditioned by some extraneous process as to render the making of the statement involuntary and, therefore extorted. Hence, the mere asking by a police officer investigating a crime against a certain individual to do a certain thing is not compulsion within the meaning of Article 20(3). Hence, the mere fact

that the accused person, when he made the statement in question was in police custody would not, by itself, be the foundation for an inference of law that the accused was compelled to make the statement. Of course, it is open to an accused person to show that while he was in police custody at the relevant time, he was subjected to treatment which, in the circumstances of the case, would lend itself to the inference that compulsion was in fact exercised. In other words, it will be a question of fact in each case to be determined by the court on weighing the facts and circumstances disclosed in the evidence before it.

25. Thus, the submission related to Article 20 will not help the petitioner.

26. In *Bijender* (supra) and *Hemant Kumar* (supra), the Hon'ble Supreme Court held that participation in the investigation does not entitle one to make self-incriminating statements, and the pre-arrest bail cannot be denied on the ground that the petitioner was not making self-incriminating statements. These judgments will not help the petitioner because the police are not seeking the custody of the petitioner to make any self-incriminating statement, but to recover various articles connected to the commission of the crime.

27. It was laid down by the Hon'ble Supreme Court in *Union of India v Namdeo Ashruba Nakade SLP (Crl.) 9792/2025*,

decided on 07.11.2025, that there is a concerning increase in drug abuse amongst the youth. It was observed:-

8. This Court is of the view that the issue of substance abuse has emerged as a global public health crisis in the twenty-first century, affecting every country worldwide, as drug trafficking and addiction have become pervasive. The United Nations Office on Drugs and Crime (UNODC) reported in its 2025 World Drug Report that “As at 2023, some 316 million people worldwide had used drugs in the past year, representing an increase over the past decade that outpaces population growth, which indicates a higher prevalence of drug use.”

9. In India, there has been a concerning increase in drug abuse among the youth. Substance abuse not only affects individuals, families, and communities but also undermines various aspects of health, including physical, social, political, and cultural foundations, and mental well-being. (See: “Bhattacharya S, Menon GS, Garg S, Grover A, Saleem SM, Kushwaha P. The lingering menace of drug abuse among the Indian youth—it’s time for action. *Indian J Community Med* 2025;50:S9-12, published on 17th April, 2025”)

10. According to many news reports, India faces a clear dilemma between tackling the narcotics crisis systematically or sacrificing its most valuable resource, i.e. its young people. The extent of menace of drug abuse has also been highlighted by this Court in the case of *Ankush Vipran Kapoor v. National Investigation Agency*, (2025) 5 SCC 155, wherein this Court has observed as under:

“9.1 The ills of drug abuse seem to be shadowing the length and breadth of our country, with the Central and every State Government fighting against the menace of substance abuse. The debilitating impact of the drug trade and drug abuse is an immediate and serious concern for India. As the globe grapples with the menace of escalating Substance Use Disorders (“SUD”) and an ever accessible drug market, the consequences leave a generational Page 75 of 84 imprint on public health and even national security. Article 47 of the Constitution makes it a duty of the State to regard the raising of the level of nutrition and the standard of living of its people and the improvement

of public health as among its primary duties and in particular the State shall endeavour to bring about prohibition of the consumption except for medicinal purposes of intoxicating drinks and of drugs which are injurious to health. The State has a responsibility to address the root causes of this predicament and develop effective intervention strategies to ensure that India's younger population, which is particularly vulnerable to substance abuse, is protected and saved from such a menace. This is particularly because substance abuse is linked to social problems and can contribute to child maltreatment, spousal violence, and even property crime in a family."

28. Considering the gravity of the offence and the fact that the investigation is at the initial stage, it is not a fit case where the discretion to grant pre-arrest bail can be exercised.

29. Consequently, the present petition fails, and it is dismissed.

30. The observations made heretofore shall remain confined to the disposal of the petition and will have no bearing whatsoever on the merits of the case.

(Rakesh Kainthla)
Judge

25th November 2025
(Chander)