



2026:AHC:169533

HIGH COURT OF JUDICATURE AT ALLAHABAD

**CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S
482 BNSS No. - 7664 of 2026**

Rajkumari

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Prince Pathak, Shivam
Upadhaya, Suhail Bhardwaj
Counsel for Opposite Party(s) : G.A.

Court No. - 72

HON'BLE VIVEK KUMAR SINGH, J.

1. Heard learned counsel for the applicant and learned A.G.A for the State and perused the record.

2. The present application has been filed on behalf of the applicant in Case Crime No. 303 of 2026, under Section 8//21/29 of NDPS Act, Police Station Kotwali Dehat, District Mirzapur, with a prayer to grant her anticipatory bail.

3. Learned counsel for the applicant submits that the applicant is absolutely innocent and has been falsely implicated in the present case. She has nothing to do with the alleged offence in spite of that the police are trying to arrest the applicant. It is further submitted that the quantity of the contraband shown to be recovered from the possession of the co-accused is 28.68 gram of heroin, which is said to be below commercial quantity. The name of the applicant has surfaced in the confessional statement of the co-accused, which is not admissible in the evidence. There is no other corroborating evidence in this case except confessional statement of the co-accused. It is further submitted that the statutory provisions of Narcotic Drugs and Psychotropic Substances Act, 1985 have not been complied with in true and letter spirit at the time of said recovery of contraband item from the co-accused, therefore, the legal sanctity of the alleged

recovery from the co-accused stands vitiated. Malice behind the prosecution has already been pleaded during the course of arguments placed on behalf of the applicant. It is further submitted that co-accused Amit Kumar Sonkar @ L.B. has been granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 11.08.2026 in Crl. Misc. Anticipatory Bail Application U/S 482 B.N.S.S. No. 7137 of 2026. The criminal history of three cases has been explained in paragraph nos. 2 and 3 of the supplementary affidavit. Learned counsel for the applicant further submits that the applicant undertakes to cooperate during investigation and trial and shall appear as and when required by the Investigating Agency or the Court concerned. It has also been stated that, in case the applicant is granted anticipatory bail, she shall not misuse the liberty of bail, shall cooperate with the investigation, and shall abide by all the conditions that may be imposed by the Court.

4. Per contra, learned A.G.A. has opposed the prayer for grant of anticipatory bail to the applicant and submitted that there is ample evidence against the applicant regarding their involvement in the offence, therefore, she is not entitled to be released on anticipatory bail.

5. I have heard the rival submissions of both sides and perused the record.

6. In **Sushila Aggarwal and others vs. State (NCT of Delhi) and another, (2020) 5 SCC 1**, the Hon'ble Apex Court has held that while considering an application for grant of anticipatory bail, the court has to consider the nature of the offence, the role of the person, the likelihood of his influencing the course of investigation, or tampering with evidence including intimidating witnesses, likelihood of fleeing justice, such as leaving the country, etc. It has further been held that Courts ought to be generally guided by considerations such as the nature and gravity of the offences, the role attributed to the applicant, and the facts of the case, while considering whether to grant anticipatory bail,

or refuse it. Whether to grant or not is a matter of discretion.

7. In **Siddharth Vs. State of Uttar Pradesh & Another, (2022) 1 Supreme Court Cases 676**, the Hon'ble Apex Court has held that personal liberty is an important aspect of our constitutional mandate. The occasion to arrest an accused during investigation arises when custodial investigation becomes necessary or it is a heinous crime or where there is a possibility of influencing the witnesses or accused may abscond. Merely because an arrest can be made because it is lawful does not mandate that arrest must be made. A distinction must be made between the existence of the power to arrest and the justification for exercise of it. If arrest is made routine, it can cause incalculable harm to the reputation and self-esteem of a person. If the Investigating Officer has no reason to believe that the accused will abscond or disobey summons and has, in fact, throughout cooperated with the investigation, then there is no compulsion on the officer to arrest the accused.

8. Having considered the rival submissions advanced by learned counsel for the parties, the nature of accusations, the evidence brought on record, and without expressing any opinion on the merits of the case, this Court finds that the applicant has have made out a case for grant of anticipatory bail.

9. Accordingly, the anticipatory bail application is **allowed** with following directions:-

(i) In the event of arrest of the applicant- **Rajkumari** involved in aforesaid case shall be released on anticipatory bail till the conclusion of trial, on her furnishing a personal bond of Rs.50,000/- with two sureties each of the like amount to the satisfaction of the Station House Officer of the police station concerned or to the court concerned;

(ii) The applicant shall co-operate with the Investigating Officer during investigation and shall report to the Investigating Officer as and when required for the purpose of conducting investigation;

(iii) The applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer; and

(iv) The applicant shall not leave India without the previous permission of the Court.

10. In default or misuse of any of the conditions, the Public Prosecutor/ Investigating Officer/ first informant-complainant is at liberty to file appropriate application for cancellation of anticipatory bail granted to the applicant, before the concerned court.

August 12, 2026

A.P. Pandey

(Vivek Kumar Singh,J.)