



2026:AHC:2746

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 41528 of 2025

Durvesh Kumar

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Surya Bhan Yadav
Counsel for Opposite Party(s)	:	G.A.

Court No. - 68

HON'BLE ASHUTOSH SRIVASTAVA, J.

Heard learned counsel for the applicant, Brijendra Kumar, learned A.G.A. for the State-Respondent and perused the record of the case.

The present bail application has been filed on behalf of applicant with a prayer to release him on bail in Case Crime No. 0121 of 2025, under Sections 8/20 of Narcotic Drugs and Psychotropic Substances Act, 1985, Police Station G.R.P. Bareilly Junction, District Moradabad.

Learned counsel for the applicant has contended that about 575 Gram of Opium is alleged to have been recovered from the possession of the applicant, which is below the commercial quantity. In fact no such recovery was effected from the applicant. It is further submitted that since such recovery is not supported by independent witness, possibility of his false implication in the crime cannot be ruled out. It is next contended that in the present case the prosecution has failed to follow strictly the provisions of Section 50 of the N.D.P.S. Act. There is no report of chemical analyst. It is also argued that the applicant is absolutely innocent and has been falsely implicated in the present crime with a view to cause unnecessary harassment and victimize him. The applicant is in jail since 11.10.2025. He submits that the applicant is having no criminal history to his credit and there is no likelihood of his fleeing from course of justice or tampering with evidence in case of release on bail. In case the applicant is released on bail he will not misuse the liberty of bail.

Per contra learned A.G.A. has opposed the bail prayer of the applicant by

contending that the innocence of the applicant cannot be adjudged at pre-trial stage who is involved in supplying contraband, therefore, the applicant does not deserve any indulgence. In case the applicant is released on bail he will again indulge in similar activity.

Accordingly, the bail application is **allowed**.

Without expressing any opinion on the merits, let the applicant, **Durvesh Kumar**, involved in the aforesaid case crime be released on bail on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned with the following conditions that :-

1. The applicant shall not tamper with the prosecution evidence by intimidating/pressurizing the witnesses, during the investigation or trial.
2. The applicant shall cooperate in the trial sincerely without seeking any adjournment.
3. The applicant shall not indulge in any criminal activity or commission of any crime after being released on bail.

In case of breach of any of the above conditions, it shall be a ground for cancellation of bail. Identity, status and residence proof of the applicant and sureties be verified by the court concerned before the bonds are accepted.

January 7, 2026

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(Ashutosh Srivastava,J.)