



2026:AHC:4788

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 44873 of 2025

Farman

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Ankit Srivastava, Ch. Dil Nisar
Counsel for Opposite Party(s)	:	G.A.

Court No. - 68

HON'BLE ASHUTOSH SRIVASTAVA, J.

Heard Sri Chaudhary Dil Nisar, learned counsel for the applicant, Shri Shashank Singh, brief holder for the State and perused the record of the case.

The present bail application under Section 483 BNSS has been filed on behalf of applicant, Farman with a prayer to release him on bail in Case Crime No. 559 of 2025, under Section 8/21/29 of Narcotic Drugs and Psychotropic Substances Act, 1985, Police Station- Gangoh, District- Saharanpur.

Learned counsel for the applicant has contended that 20 gm. of Smack is alleged to have been recovered from the possession of the applicant. The recovered contraband is below 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, who is in jail since 27.11.2025 having criminal history of two cases which has been properly explained in paragraph no. 14 to the affidavit filed in support of bail application, deserves to be released 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.

Considering the facts of the case and keeping in mind larger mandate of Article 21 of the constitution of India, the nature of accusations, the nature of evidence in support thereof, the severity of punishment which conviction will entail, the character of the accused-applicant, 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 interest of the public/ State and other circumstances, but without commenting on merit of case, a case for bail is made out.

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

Let the applicant-***Farman***, involved in abovesaid 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.

(Ashutosh Srivastava,J.)

January 8, 2026

Deepak/