



2026:ABC:2857

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 40731 of 2025

Rafiq Ahamad

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Ashwani Kumar Mishra, Sandeep
Kumar Keshari, Vivek Srivastava
Counsel for Opposite Party(s) : G.A.

Court No. - 68

HON'BLE ASHUTOSH SRIVASTAVA, J.

Heard Sri Ashwani Kumar Mishra, learned counsel for the applicant, Shri Ajai Singh, learned A.G.A. 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, Rafiq Ahmad, with a prayer to release him on bail in Case Crime No. 61 of 2025, under Sections 8/20/29/60 of Narcotic Drugs and Psychotropic Substances Act, 1985, Police Station- Lanka, District- Varanasi.

Learned counsel for the applicant submits that the accused applicant is innocent. He has been falsely implicated in the present case and is languishing in jail since 26.04.2025. Learned counsel for the applicant submits that a First Information Report was lodged on 20.02.2025 with the allegation that on the date of incident on an information of the informer the Police party has apprehended one container and one Mahindra XUV 500 and recovered 500 Kilogram Ganja and arrested the named persons. Learned counsel for the applicant submits that neither the applicant was named in the First Information Report, nor was arrested on the spot nor any incriminating article has been recovered from his possession or his pointing out. Learned counsel for the applicant submits that his name has been surfaced in the statement of one Rafeeq. He further submits that the applicant has been falsely implicated only because of being owner of the alleged container. After arguing at some length submits that the applicant is languishing in jail since near about eight months. Criminal history of two cases has been properly explained in paragraph no. 30 of 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-***Rafiq Ahmad***, 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 7, 2026

Deepak/