



2026:AH:3158

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 40767 of 2025

Ahsan And Another

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Sikandar Khan
Counsel for Opposite Party(s)	:	G.A.

Court No. - 68

HON'BLE ASHUTOSH SRIVASTAVA, J.

Heard Shri Sikandar Khan, learned counsel for the applicants, Shri R. K. Nishad, learned Brief Holder for the State and perused the record of the case.

The present bail application under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 has been filed on behalf of applicants, Ahsan and Adnan, with a prayer to release them on bail in Case Crime No. 1039 of 2025, under Section 21/22 of Narcotic Drugs and Psychotropic Substances Act, 1985, Police Station- Kotwali Nagar, District- Bulandshahr.

Learned counsel for the applicants has contended that 105 grams of Alprazolam is alleged to have been recovered from the possession of the applicant-Ahsan and 120 grams of Alprazolam is alleged to have been recovered from the possession of applicant-Adnan, which are marginally above the commercial quantity. In fact no such recovery was effected from the applicants. 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 also argued that the applicants are absolutely innocent and have been falsely implicated in the present crime with a view to cause unnecessary harassment and victimize them. The applicants, who are in jail since 24.10.2025 having no criminal history to their credit, deserves to be released on bail. In case the applicants are released on bail they will not misuse the liberty of bail.

Per contra learned A.G.A. has opposed the bail prayer of the applicants by contending that the innocence of the applicants cannot be adjudged at pre

trial stage who is involved in supplying contraband, therefore, the applicant does not deserve any indulgence. In case the applicants are released on bail they will again indulge in similar activity.

Considering the facts of the case, 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-applicants, 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 expressing any opinion on the merits, I am of the view that it is a fit case for grant of bail.

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

Let the applicants **Ahsan and Adnan** involved in abovesaid case crime be released on bail on their 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 applicants shall not tamper with the prosecution evidence by intimidating/ pressurizing the witnesses, during the investigation or trial.
2. The applicants shall cooperate in the trial sincerely without seeking any adjournment.
3. The applicants 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

Ravi Prakash