



2026:ABC:6110

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 42039 of 2025

Amjad

.....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 learned counsel for the applicant, Sri Arimardan Yadav, 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. 195 of 2025, under Sections 8/21/29 of Narcotic Drugs and Psychotropic Substances Act, 1985, and Section 3/25 of Arms Act, Police Station Gangoh, District Saharanpur.

Learned counsel for the applicant has contended that about 280 Gram of Smack is alleged to have been recovered from the possession of the applicant, which is marginally above 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. He submits that in the present case, charge-sheet has been filed on 23.10.2025 and cognizance has also been taken by the court concerned on 04.11.2025. He further submits that the applicant is not required for any custodial interrogation. 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. It is further submitted that on the similar footing the co-accused Musarrat (wife of the applicant) has been granted bail by the Court vide order dated 06.11.2025 passed in Criminal

Misc. Bail Application No. 32133 of 2025, therefore, the applicant is also entitled to be released on bail. The applicant is in jail since 03.06.2025. 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, **Amjad**, 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 9, 2026

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(Ashutosh Srivastava,J.)