



2026:AHC:67182

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 10821 of 2026

Nitin Soni

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Anand Vibhor Singh, Karunesh Pratap Singh
Counsel for Opposite Party(s) : G.A.

Court No. - 69

HON'BLE JITENDRA KUMAR SINHA, J.

1. Heard Sri Karunesh Pratap Singh, learned counsel for the applicant and Sri O.P. Singh, learned AGA for the State-respondents and perused the record.
2. The present bail application under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, has been filed on behalf of applicant with a prayer to release him on bail in Case Crime No. 12 of 2026 , under Section 8/20 NDPS Act, registered at Police Station GRP, District Banda, during pendency of the trial.
3. It has been argued by the learned counsel for the applicant that applicant is innocent and he has been falsely implicated in this case. It is further submitted that 9.8 kg ganja is said to have been recovered from the possession of he applicant, which is much below the commercial quantity. It is further submitted that mandatory provisions of Sections 50 and 52-A of NDPS Act have not been complied with. It is further submitted that the applicant is having no criminal history. It is also submitted that the applicant, who has been languishing in jail since 7.12.2026 undertakes that he will not misuse the liberty, if granted. It has also been pointed out that in the wake of heavy pendency of cases in the Court, there is no likelihood of any early conclusion of trial.
4. On the other hand, learned A.G.A. has opposed the prayer for grant of bail to the applicant.

5. As per the allegation in the FIR, 9.8 kg ganja is said to have been recovered from the possession of the applicant, which is much below the commercial quantity. It is alleged that mandatory provisions of Sections 50 and 52-A of NDPS Act have not been complied with. The applicant is having no criminal history and he has been languishing in jail since 7.12.2026.

6. Upon considering the totality of facts, nature and the evidence reflected from record and also taking into consideration the provision of Section 37 of the NDPS Act and without expressing any opinion on merits of the case, I find it to be a fit case for bail. Hence, the present bail application is **ALLOWED**.

7. Let the applicant- **Nitin Soni** involved in the aforesaid case crime be released on bail on his furnishing a personal bond of Rs. 50,000/- with two sureties each in the like amount to the satisfaction of the Court concerned with the following conditions :-

(i) The applicant shall not directly or indirectly make any inducement, threat, or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer or tamper with the evidence.

(ii) The applicant shall not pressurize/intimidate the prosecution witnesses.

(iii) The applicant shall remain present, in person, before the trial court on the dates fixed for (i) opening of the case, (ii) framing of charge and (iii) recording of statement under Section 351 of B.N.S.S.

(iv) The applicant shall file an undertaking to the effect that he shall not seek any adjournment on the dates fixed for evidence when the witnesses are present in the trial court.

(v) The applicant shall remain present before the trial court on each date fixed, either personally or through his counsel.

8. In case of breach of any of the above conditions, it shall be a ground for

cancellation of bail.

9. It is clarified that anything said in this order is limited to the purpose of determination of this bail application and will in no way be construed as an expression on the merits of the case. The trial court shall be absolutely free to arrive at its independent conclusions on the basis of evidence led unaffected by anything said in this order.

(Jitendra Kumar Sinha,J.)

March 31, 2026
Abhishek