



2026:AHC:62661

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 5495 of 2026

Vinay Sahu

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Vinay Kumar
Counsel for Opposite Party(s)	:	G.A.

Court No. - 67

HON'BLE ARUN KUMAR SINGH DESHWAL, J.

1. Heard Sri Vinay Kumar, learned counsel for the applicant, Sri Rakesh Kumar Mishra, learned A.G.A. for the State and perused the record.

2. The instant bail application has been filed with a prayer to release the applicant on bail in Case Crime No. 28 of 2026, under Section 8/20 of Narcotic Drugs and Psychotropic Substances Act, 1985, Police Station Atarra, District Banda, during the pendency of the trial.

3. Learned counsel for the applicant has contended that about 3 Kg of ganja is alleged to have been recovered from the possession of the applicant, which is below the commercial quantity. In fact no such recovery was effected from the applicant. He submits that the police has falsely shown the recovery of one country made pistol and one live cartridge from the possession of the applicant. It is further submitted that co-accused Jayprakash Giri @ Changa, Raj Shivhare, Aditya Singh Alias Suraj, Rudra Tripathi and Harbansh Dixit, have already been released on bail by a coordinate Bench of this Court in Criminal Misc. Bail Application Nos. 6231 of 2026, 6383 of 2026, 6572 of 2026, 4944 of 2026 and 5478 of 2026 vide orders dated 12.03.2026, 20.02.2026, 09.03.2026, 25.02.2026 and 16.02.2026. Therefore, the applicant is also entitled to be released on bail on the ground of parity. 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. 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 is in jail since 21.01.2026. He submits that the applicant is having no criminal history to his credit. He submits that 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.

4. Per contra, learned A.G.A. has vehemently opposed the prayer for bail but could not dispute the aforesaid facts.

5. Considering the entire facts and circumstances of the case, submissions of learned counsel for the parties and keeping in view the nature of offence, evidence, complicity of the accused and taking into account overcrowded jails and heavy pendency of criminal cases before the trial courts as well as considering the mandate of the judgement of the Apex Court in the case of **Kapil Wadhawan vs Central Bureau of Investigation** reported in **2025 SCC OnLine SC 3038** and without expressing any opinion on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

6. Let the applicant- **Vinay Sahu**, involved in the aforementioned 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:-

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 cooperate in the trial/investigation sincerely without seeking any adjournment.

iii. The applicant shall not indulge in any criminal activity or commission of any crime after being released on bail.

iv. The applicant shall attend in accordance with the conditions of the bond executed by him.

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

8. Identity, status and residence proof of the applicant and sureties be verified by the court concerned before the bonds are accepted.

9. It is made clear that the applicant shall be released on the basis of computer generated copy of this order, downloaded from the official website of High Court Allahabad and verified by the concerned counsel with the undertaking that the certified copy will be filed within 15 days.

10. It is further directed that the trial court shall send the release order to the concerned jail through Bail Order Management System (BOMS) to ensure early release of the applicant.

11. Office is directed to send a copy of this order to the applicant through concerned Jail Superintendent via e-mail or e-prison portal in compliance of the order of the Apex Court in the case of **Policy Strategy for Grant of Bail, In Re: Suo Motu Writ Petition (Crl.) No.4 of 2021 decided on 31.01.2023** reported in **(2024) 10 SCC 685**.

March 25, 2026
S.C.

(Arun Kumar Singh Deshwal,J.)