



2026:AHC:65161

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 8330 of 2026

Santosh Pandey

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Amit Kumar Singh, Harbansh Prasad Pandey

Counsel for Opposite Party(s) : G.A.

Court No. - 69

HON'BLE JITENDRA KUMAR SINHA, J.

1. Heard Mr. Harbansh Prasad Pandey, learned counsel for the applicant, and Mr. B.P. Maurya, 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 Santosh Pandey, with a prayer to release him on bail in Case Crime No. 34 of 2026, under Sections 8/20/21/29/60 of Narcotic Drugs and Psychotropic Substances Act,, registered at Police Station Geeda, District Gorakhpur, during pendency of the trial.

3. It has been submitted by learned counsel for the applicant that the applicant is innocent and has been falsely implicated in this case due to ulterior motive. It is further submitted that seven persons have been made accused and as per first information report, 770 gm. of organic hydroponic beeds (OG) and 1.025 kg. smack/Heroine are said to have been recovered from two vehicles. In one vehicle three persons and in the second vehicle four persons were traveling. It is further submitted that co-accused Rahul Dubey has already been granted bail by co-ordinate bench of this Court vide order dated 18.3.2026 passed in Criminal Misc. Bail Application No. 8270 of 2026 and another co-accused Sam Tiwari alias Vipul Tiwari has been granted anticipatory bail by this Court vide order dated 19.3.2026 passed in Crl. Misc. Anticipatory Bail Application U/s 482 BNSS No. 2103 of 2026. It is further submitted that the police has not

complied with the mandatory provisions of Sections 50 and 52-A of the N.D.P.S. Act and the role of the applicant is not distinguishable to the role of Rahul Dubey. The applicant, who is languishing in jail since 25.1.2026, 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. Per contra learned A.G.A. has opposed the prayer for bail of the applicant and it has been submitted by him that as per first information report, 770 gm. of organic hydroponic beeds (OG) and 1.025 kg. smack/Heroine are said to have been recovered from two vehicles. In one vehicle three persons and in the second vehicle four persons were traveling.

5. Co-accused Rahul Dubey has already been granted bail by co-ordinate bench of this Court. Seven persons have been made accused and as per first information report, 770 gm. of organic hydroponic beeds (OG) and 1.025 kg. smack/Heroine are said to have been recovered from two vehicles. Three persons in each vehicle are said have been travelling and the 7th persons is said to have fled away from the place of occurrence. The applicant is languishing in jail since 25.1.2026.

6. Upon considering the totality of facts, nature and the evidence reflected from record and also taking note of Section 37 of N.D.P.S. Act and without expressing any opinion on merits, a case for bail is made out. Hence, the present bail application is allowed.

7. Let the applicant- **Santosh Pandety**, 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 :-

(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 26, 2026

Kumar Manish