



2026:AHC:7683

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 5189 of 2024

Mohd Wasim

.....Applicant(s)

Versus

NCB Lucknow

.....Opposite
Party(s)

Counsel for Applicant(s) : Anjani Kumar Raghuvanshi, Madan Singh
Counsel for Opposite Party(s) : Ashish Pandey

Court No. - 68

HON'BLE ASHUTOSH SRIVASTAVA, J.

The case is listed today peremptorily before the Court.

Heard Shri Madann Singh, learned counsel for the applicant and perused the record of the case.

The present bail application under Section 439 of Code of Criminal Procedure has been filed on behalf of applicant, Mohd Wasim with a prayer to release him on bail in Case Crime No. 24 of 2021, under Section 8, 20, 29 and 60(3) of Narcotic Drugs and Psychotropic Substances Act, 1985, Police Station- NCB Lucknow , District- Varanasi.

This is the second bail application on behalf of the applicant. The First Bail Application was rejected by co-ordinate Bench of this Court in Criminal Misc. Bail Application No. 19382 of 2023 vide order dated 19.05.2023.

Learned counsel for the applicant has contended that total 1056 Kgs of Ganja is alleged to have been recovered from the vehicle No. UP 21 CN 5495 and Scorpio Vehicle No. DL 4 CNB 2731. The applicant is stated to have been sitting in the truck No. UP 21 CN 5495 from which 906 Kgs of Ganja was recovered. The second bail application is being pressed on the ground of prolonged incarceration of almost 4-1/2 years. The applicant, who is in jail since 21.6.2021 having no criminal history to his credit, deserves to be released on bail. In case the applicant is released on bail he will not misuse the liberty of bail. In support of his case learned counsel for the applicant has placed reliance upon the judgment of Hon'ble the Supreme Court in the case of **Rabi Prakash vs. The State of Odisha** (Special Leave to Appeal (Crl.) No. 4169 of 2023) decided on 13.07.2023.

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.

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-applicant, 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 applicant Mohd Wasim involved in abovesaid 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.

(Ashutosh Srivastava,J.)

January 12, 2026

Sumaira