



2026:AHC:60701

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 2350 of 2026

Alam @ Totala

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

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

Court No. - 69

HON'BLE JITENDRA KUMAR SINHA, J.

1. Heard Pawan Kumar Shukla, learned counsel for the applicant, and Shri 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 Alam @ Totala, with a prayer to release him on bail in Case Crime No. 899 of 2025, under Sections 8/20 of N.D.P.S. Act, registered at Police Station Civil Lines, District Moradabad, 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 as per first information report, 1.076 Kg. charas are said to have been recovered from the possession of the applicant. It is further submitted that the police has not complied with the mandatory provisions of Section 50 of the N.D.P.S. Act. It is next submitted that there is also no possibility of the applicant either fleeing away from the judicial process or tampering with the witnesses. The applicant, who is languishing in jail since 25.11.2025, 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 submitted that 1.076 Kg. charas are said to have been

recovered from the possession of the applicant but he has disputed that the police has not complied with the mandatory provisions of Section 50 of the N.D.P.S. Act.

5. As per first information report, 1.076 Kg. charas are said to have been recovered from the possession of the applicant and the police is said to have not complied with the mandatory provisions of Sections 50 of the N.D.P.S. Act and he is languishing in jail since 25.11.2025.

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 anticipatory bail is made out. Hence, the present bail application is allowed.

7. In the event of arrest of the applicant- Alam @ Totala involved in the aforesaid case crime shall 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 23, 2026

Kumar Manish