



2026:AHC:68247

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 8744 of 2026

Pawan Rawat

.....Applicant(s)

Versus

State Of U.P. Through The Secretary

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Aarushi Khare
Counsel for Opposite Party(s)	:	G.A.

Court No. - 69

HON'BLE JITENDRA KUMAR SINHA, J.

1. Heard Mr. Ishan Khan holding brief of Ms. Aarushi Khare, learned counsel for the applicant, and Shri Shiv Dutt Shukla, 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 Pawan Rawat with a prayer to release him on bail in Case Crime No. 382 of 2023, under Sections 21/22 of NDPS Act, police station G.R.P. Mathura Junction, district Mathura, 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 the mandatory provisions of Section 100(4) of the Cr.P.C. have not been complied with and no independent witness has supported the alleged recovery. It is also submitted that the police personnel, before conducting the search of the applicant, frisked themselves, but no independent person was present to conduct the frisking. The applicant has been languishing in jail since 18.10.2023 and undertakes that he will not misuse the liberty of bail, if granted. It has also been pointed out that, due to the heavy pendency of cases before the Court, there is little likelihood of an early conclusion of the trial.
4. Per contra learned A.G.A. has opposed the prayer for bail of the applicant and submitted that the mandatory provisions of Section 50 of the NDPS Act has been complied with.

5. As per the First Information Report, 300 grams of Alprazolam powder are alleged to have been recovered from the possession of the applicant. However, no independent witness has supported the alleged recovery, and the mandatory provisions for conducting the search, as prescribed have not been complied with by the police personnel. The applicant has been languishing in jail since 18.10.2023.

6. Upon considering the totality of facts, nature and the evidence reflected from record 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- Pawan Rawat 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.

March 30, 2026
Sumaira

(Jitendra Kumar Sinha,J.)