



2026:AHC:65533

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 9429 of 2026

Maruf

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

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

Court No. - 69

HON'BLE JITENDRA KUMAR SINHA, J.

1. Heard Shri Pankaj Kumar Gupta, learned counsel for the applicant, Sri Umashankar Mishra, learned A.G.A. 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 Maruf, with a prayer to release him on bail in Case Crime No. 08 of 2026, under Sections 8/20 of NDPS, Act, registered at Police Station Raysatti, District Sambhal, during pendency of the trial.
3. It has been argued by the learned counsel for the applicant that applicant is innocent and he has been falsely implicated in this case. It is contended by learned counsel for the applicant that co-accused Waseem has already been granted bail by a Co-ordinate Bench of this Court being Criminal Misc. Bail Application No. 9022 of 2026. It is further submitted that 200 gms of Charas is said to have been recovered from the possession of the applicant, which is much less than the commercial quantity. 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 applicant is having no criminal history. 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 08.02.2026, 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 the applicant is having not criminal

history.

5. Co-accused Waseem has already been granted bail by co-ordinate bench of this Court in Criminal Misc. Bail Application No. 9022 of 2026, vide order dated 17.03.2026. As per the FIR 292 gms of Charas is said to have been recovered from the possession of the applicant, which is much below the commercial quantity and the applicant is languishing in jail since 08.02.2026 and he is having no criminal history. 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.

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- **Maruf** 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 26, 2026

Ashish/-

(Jitendra Kumar Sinha,J.)