



2026:AHC:60523

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 9930 of 2026

Mohd Wakil

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Rama Shankar Mishra
Counsel for Opposite Party(s)	:	G.A.

Court No. - 69

HON'BLE JITENDRA KUMAR SINHA, J.

1. Heard Shri Rama Shankar Mishra, learned counsel for the applicant, and Shri B.P. Singh, learned AGA for the State 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 Mohd Wakil, with a prayer to release him on bail in Case Crime No. 120 of 2026, under Sections 8/18 N.D.P.S. Act, registered at Police Station Khalilabad, District Sant Kabir Nagar, 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, 68 Kg. of green tree of opium poppy has been recovered from the open place outside of the boundary of the house of the applicant. It is further submitted that the commercial quantity of the opium poppy is 50 Kg., however there is no mention of commercial quantity of the green tree of opium poppy in the schedule of the N.D.P.S. Act. It is further submitted that the Investigating Officer prepared site plan and the said recovery has been made inside the boundary of the house of applicant. 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 26.02.2026, 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 criminal history of five cases, including that of N.D.P.S. Act and Gangsters Act.

5. As per first information report, 68 Kg. of green tree of opium poppy has been recovered from the open place outside of the boundary of the house of the applicant. It is further submitted that the commercial quantity of the opium poppy is 50 Kg., however there is no mention of quantity commercial quantity of the green tree of opium poppy in the schedule of the N.D.P.S. Act. It is further submitted that the Investigating Officer prepared site plan and the said recovery has been made inside the boundary of the house of applicant.and the applicant, who is languishing in jail since 26.02.2026

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

7. In the event of arrest of the applicant- **Mohd Wakil** 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 24, 2026

Aiman