



2026:AHC-LKO:20576

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

CRIMINAL MISC. BAIL APPLICATION No. - 9528 of 2024

Kallu

.....Applicant(s)

Versus

State Of U.P. Thru. Prin. Secy. Home Lko

.....Opposite Party(s)

Counsel for Applicant(s)	:	Hari Prasad, Umesh Kumar Maurya
Counsel for Opposite Party(s)	:	G.A.

Court No. - 23

HON'BLE RAJEEV BHARTI, J.

1. Heard learned counsel for the applicant, learned A.G.A. for the State and pursued the material available on record.
2. The present bail application has been filed on behalf of the applicant, who is involved in Case Crime No.0141 of 2024, under Section 18, 20 of NDPS Act, Police Station- Dahi, District- Unnao.
3. As per the prosecution case, the contraband substance i.e., 1.575 kg of charas is said to be recovered from the possession of the applicant.
4. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the present case. He further submits that the prosecution has not complied with the mandatory provision of Section 50 of N.D.P.S. Act. It is further submitted that the applicant has previous criminal history of six cases, which is duly explained in para no.24 of the affidavit filed in support of bail application. It is further submitted that the applicant is in jail since 29.05.2024 and there is no possibility of the applicant fleeing after being released on bail or tampering with the witnesses. In case the applicant is enlarged on bail, he shall not misuse the liberty of bail.
5. Per contra, learned A.G.A. opposed the prayer for bail application while stating that the present applicant is having criminal history of six caes, hence the applicant is not entitled to be released on bail. However, learned A.G.A. submits that charge sheet has been filed in this case.
6. In view of the embargo contained under Section 37 of the Narcotic Drugs and Psychotropic Substances Act, this Court is required to record its satisfaction with regard to the twin conditions stipulated therein.

7. Upon consideration of the material available on record, submissions advanced by learned counsel for the parties and without expressing any opinion on the merits of the case, this Court is satisfied that (i) there are reasonable grounds for believing that the applicant is not guilty of the alleged offence; and (ii) the applicant is not likely to commit any offence while on bail.

8. Considering the facts and circumstances of the case, prima facie the twin conditions as contained in Section 37 of the N.D.P.S. Act appear to have been satisfied and the fact that the recovered contraband is slightly above the commercial quantity; the applicant is in jail since 29.05.2024; criminal history is duly explained in para no.24 of the affidavit filed in support of bail application; charge-sheet in the case has been filed and without expressing any opinion on the merits of the case, I find it to be a fit case for enlarging the applicant on bail.

9. Accordingly, the bail application is **allowed**.

10. Let the applicant- **Kallu** involved in the aforesaid case crime number 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 which are being imposed in the interest of justice:-

(i) The applicant will not tamper with the evidence during the trial.

(ii) The applicant will not pressurize/ intimidate the prosecution witness.

(iii) 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.

(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 court. In case of default of this condition, it shall be open for the trial court to treat it as abuse of liberty of bail and pass orders in accordance with law.

(v) The applicant shall remain present before the trial court on each date fixed, either personally or through his counsel. In case of his absence, without sufficient cause, the trial court may proceed against him in accordance with law.

(vi) In case the applicant misuses the liberty of bail during trial and in order to secure his presence proclamation under Section 84 B.N.S.S. is issued and

the applicant fails to appear before the court on the date fixed in such proclamation, then, the trial court shall initiate proceedings against him, in accordance with law, under Section 209 of B.N.S.

11. It is clarified that the observations made in this order are confined to the present bail application and shall have no bearing on the merits of the trial.

March 20, 2026

Anand/-

(Rajeev Bharti,J.)