



2026:AHC-LKO:20712

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

CRIMINAL MISC. BAIL APPLICATION No. - 1719 of 2026

Sunny

.....Applicant(s)

Versus

Union Of India Thru. Directorate Of Revenue
Intelligence Dri Lko

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Kapil Kumar Yadav
Counsel for Opposite Party(s)	:	Digvijay Nath Dubey

Court No. - 28

HON'BLE RAJEEV BHARTI, J.

Heard learned counsel for the applicant and Ms Jaya Pandey, holding brief of Shri Digvijay Nath Dubey, learned counsel for the DRI, as well as perused the record.

The accused-applicant seeks bail in Case Crime No. 16 of 2025 under Sections 8/20/23 of the Narcotic Drugs and Psychotropic Substances Act, 1985, Police Station DRI, District Lucknow.

In the prosecution case, it is alleged that on 01.12.2025 at about 11:30 p.m., on the basis of secret information, the applicant along with the co-accused persons, who were arriving by Flight No. FD146 of Air Asia from Bangkok, were intercepted. Upon personal search of the present applicant, 4851 grams of ganja are alleged to have been recovered from his possession.

Learned counsel for the applicant submits that the applicant has no criminal antecedents. It is further submitted that the alleged search was not conducted at the airport, but rather at the DRI Office, Gomti Nagar, which vitiates the search proceedings. The applicant has been falsely implicated in the present case.

Learned counsel next contends that the quantity of contraband allegedly recovered is below the commercial quantity as prescribed in the Schedule to the NDPS Act. It is also submitted that since the recovered contraband is below the commercial quantity, the stringent conditions of Section 37 of the

NDPS Act are not attracted in the present case.

The co-accused Bhavna has been enlarged on bail vide order dated 25.2.2026 passed in Bail No.964 of 2026. He claims parity.

It is further submitted that the applicant is in jail since 02.12.2025 and there is no possibility of her fleeing away 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.

Learned counsel for the DRI has opposed the prayer for bail but could not dispute the facts as argued by learned counsel for the applicant.

On due consideration of the arguments advanced, perusal of the record, and the fact that the stringent conditions contained in Section 37 of the NDPS Act are not attracted in the present case; further considering that the search was not conducted at the airport; that the applicant is in judicial custody since 02.12.2025; that the recovered quantity is below the commercial quantity; that the applicant has no criminal antecedents; the co-accused, named above has been granted bail, and without expressing any opinion on the merits of the case, this Court finds it to be a fit case for enlarging the applicant on bail.

Accordingly, the bail application is allowed, including on the ground of parity.

Let the applicant Sunny involved in the aforesaid FIR/Case Crime number, be released on bail in the aforementioned case on furnishing a personal bond and two sureties each in the like amount to the satisfaction of the Magistrate/Court concerned, subject to the following conditions:-

- (i) the applicant shall not tamper with the prosecution evidence;
- (ii) the applicant shall not pressurize the prosecution witnesses;
- (iii) the applicant shall appear on each and every date fixed by the trial Court.

Any other condition(s) which the trial court/concerned court may deem fit and proper, in the circumstances of the case, may also be imposed.

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.

(Rajeev Bharti,J.)

March 23, 2026

kkb/