



2026:AHC-LKO:20837

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

CRIMINAL MISC. BAIL APPLICATION No. - 6704 of 2025

Taufik

.....Applicant(s)

Versus

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

.....Opposite
Party(s)

Counsel for Applicant(s) : Atul Kumar Singh Gaur, Sushil Prakash
Pandey

Counsel for Opposite Party(s) : G.A.

Court No. - 28

HON'BLE RAJEEV BHARTI, J.

Heard learned counsel for the applicant, learned Additional Government Advocate for the State and perused the record.

The instant bail application has been filed on behalf of the applicant with the prayer to release him on bail during trial in F.I.R./Case Crime No. 86 of 2025, under sections 8/21/21B N.D.P.S. Act, Police Station- Patranga, District- Ayodhya.

As per prosecution version, the contraband substance, i.e. 260 gms of smack is said to be recovered from the possession of the applicant.

Learned counsel for the applicant submits that the applicant is innocent and he has been falsely implicated in the present case. The alleged recovery is false and planted. Further, the recovered contraband is slightly above the commercial quantity. There is no independent witness to the said recovery. There appears to be no compliance of Section 50 of N.D.P.S. Act as the Gazetted Officer was not present at the time of personal search of the applicant. It is also submitted that co-accused Lal Babu has already been granted bail by this Court vide order dated 11.3.2026 passed in Criminal Misc. Bail Application No. 4622 of 2025.

It is further submitted that the applicant has criminal history of 13 cases which have duly been explained in para 22 of the bail application and he is in jail since 7.5.2025. There is no possibility of the applicant of 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 A.G.A. opposed the prayer for bail and submitted that the recovered contraband substance is above the commercial quantity.

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.

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 7.5.2025; criminal history of the applicant has duly been explained; co-accused Lal Babu has already been granted bail 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.

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

Let the applicant- **Taufiq** 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.

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

Shravan