



2026:AHC:10908

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 43737 of 2025

Rihan

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

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

Court No. - 68

HON'BLE ASHUTOSH SRIVASTAVA, J.

Heard Shri Ajai Kumar, learned counsel for the applicant and Shri Manoj Kumar Singh learned A.G.A. representing the State respondents.

This bail application under Section 483 BNSS has been moved on behalf of accused-applicant, Rihan, seeking enlargement on bail in Case Crime No. 351 of 2019, under Section 8/20 of NDPS act, Police station-Civil Lines, Moradabad.

Learned counsel for the applicant argued that the accused-applicant is innocent. He has been falsely implicated in this very case crime number and is languishing in jail since 09.05.2025. Learned counsel for the applicant submits that earlier the applicant was on bail. But due to non appearance before the Court below, non bailable warrant was issued and thereafter proceedings of 82 & 83 Cr.P.C. were initiated against the applicant. When the applicant came to know about the issuance of non bailable warrant and proceedings under Section 82 & 83 Cr.P.C., he surrendered himself before the Court below on 09.05.2025 and since then he is in judicial custody. Criminal antecedents of two cases has properly been explained and there is no likelihood of his fleeing from course of justice or tampering with evidence in case of release on bail. Hence, bail has been prayed for.

Learned AGA has vehemently opposed the bail application by submitting that the applicant is habitual absconder, but could not dispute the aforesaid facts.

Considering all those facts and circumstances, the nature of accusations, severity of the punishment in the case of conviction and nature of supporting evidence, reasonable apprehension of tampering with the witness and prima facie case, but without commenting on merit of case, a case for bail is made out.

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

Let the accused-applicant, ***Rihan***, involved in above mentioned case crime number be released on bail, on his executing a personal bond and two heavy reliable sureties each, in the like amount to the satisfaction of the court concerned, subject to the following conditions:

1. The applicant will not tamper with the evidence.
2. The applicant will not indulge in any criminal activity.
3. The applicant will not pressurize/intimidate the prosecution witnesses and co-operate in the trial.
4. The applicant will appear regularly on each and every date fixed by the trial court, unless his personal appearance is exempted through counsel by the court concerned.

In the event of breach of any of the aforesaid conditions, the court below will be at liberty to proceed to cancel his bail.

(Ashutosh Srivastava,J.)

January 16, 2026

Deepak/