



2026:AHC-LKO:22627

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

CRIMINAL MISC. BAIL APPLICATION No. - 2069 of 2026

Md. Wasim Javed

.....Applicant(s)

Versus

State Of U.P. Thru. Prin. Secy. (Home Deptt.) Lko.

.....Opposite
Party(s)

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

Court No. - 28

HON'BLE RAJEEV BHARTI, J.

1. Heard Shri Ravindra Kumar Singh, learned counsel for the accused/applicant as well as learned A.G.A. for the State and perused the record.
2. This bail application has been moved by the accused/applicant- **Md. Wasim Javed** for grant of bail, in Case Crime No. 728 of 2025, under Sections 8/18/60 N.D.P.S. Act, Police Station Madiyaon, District Lucknow, during trial.
3. Learned counsel for the accused-applicant while pressing the bail application submits that the accused-applicant has falsely been implicated in the instant case and nothing as alleged by the prosecution has been recovered from his possession.
4. It is further submitted that even if the case of the prosecution is taken on its face 2.562 Kilogram opium, which is slightly above from commercial quantity of the opium contraband has been recovered from the possession of the applicant.
5. It is further submitted that Section 50 and 52 of the N.D.P.S. Act has not been complied with. The provision of Section 50 N.D.P.S. Act provided that if a person is arrested for any offence under the N.D.P.S. Act, he has the legal right to demand that his personal search be conducted before a Gazetted Officer or the nearest Magistrate, however,

the said right was not provided to the applicant.

6. It is further submitted that there is no witness, eye witness or public witness in respect of the said incident as shown in the FIR and he has not prior criminal antecedent.

7. It is further submitted that the applicant is in jail in this case since 11.12.2025 and there is no apprehension that the accused-applicant after release on bail, may flee from the process of law or may otherwise misuse the liberty.

8. Learned A.G.A., on the other hands that the illegal act of the applicant is grave and as such he is not entitled to be released on bail, however, he could not confront the factual submissions made on behalf of the applicant that the quantity of contraband allegedly recovered from the possession of the applicant is slightly above the commercial quantity and he is in jail in this case since 11.12.2025.

9. Keeping in view the nature of the offence, evidence, complicity of the accused, severity of punishment, submissions of the learned counsel for the parties as also considering twin conditions as mentioned in Section 37(1) (b) of N.D.P.S. Act having been satisfied, in as much as there are reasonable grounds for believing that the accused applicant might not be guilty of the offence and that he is not likely to commit any offence while on bail, and without expressing any opinion on the merits and demerits of the case, I am of the considered view that applicant has made out a case for bail. The bail application is **allowed**.

10. Let the applicant- **Md. Wasim Jabed**, involved in the aforesaid case, be released on bail on furnishing a personal bond with two sureties in the like amount to the satisfaction of the court concerned subject to following conditions:-

- (i) The applicant shall not tamper with the prosecution evidence by intimidating/pressurizing the witnesses, during the investigation or trial.
- (ii) The applicant shall cooperate in the trial sincerely without seeking any adjournment.

(iii) The applicant shall not indulge in any criminal activity or commission of any crime after being released on bail.

11. In case of breach of any of the above conditions, it shall be a ground for cancellation of bail.

12. Identity, status and residence proof of the applicant and sureties be verified by the court concerned before the bonds are accepted.

13. Observations made herein-above are only for the purpose of disposal of bail application and the same shall not have any bearing on the trial of the case.

(Rajeev Bharti,J.)

March 31, 2026

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