



2026:AHC:16820

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 39350 of 2025

Sonu

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Ajay Kumar, Mahendra Tripathi,
Narendra Pal Singh, Rajat Kumar
Shukla

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

Court No. - 68

HON'BLE ASHUTOSH SRIVASTAVA, J.

Heard Shri Rajat Kumar Shukla, learned counsel for the applicant, Shri R. K. Nishad, learned Brief Holder for the State and perused the record of the case.

The present bail application under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 has been filed on behalf of applicant, Sonu with a prayer to release him on bail in Case Crime No. 504 of 2025, under Section 21/22 of Narcotic Drugs and Psychotropic Substances Act, 1985, Police Station- Govardhan, District- Mathura.

Learned counsel for the applicant has contended that as per prosecution case, 230 grams of Alprazolam is alleged to have been recovered from the possession of the applicant. In fact no such recovery was effected from the applicant. Learned counsel for the applicant in the FIR date and time of occurrence has been shown as 2.10.2025 at 22:46 hours whereas as per CCTV footage annexed as Annexure-1 of the supplementary affidavit, applicant was lifted by the Police on 2.10.2025 at 12:46 PM and later on roped in this very case crime number falsely.

It is next contended that in the present case the prosecution has failed to follow strictly the provisions of Section 50 of the N.D.P.S. Act. It is also argued that the applicant is absolutely innocent and has been falsely implicated in the present crime with a view to cause unnecessary harassment

and victimize him. Learned counsel for the applicant submits that charge sheet in this case has already been filed on 4.12.2025. The applicant, who is in jail since 3.10.2025 having 15 criminal history to his credit, which have been sufficiently explained, deserves to be released on bail. In case the applicant is released on bail he will not misuse the liberty of bail.

Learned counsel for the applicant has placed reliance upon a decisions of Apex Court passed in the case of ***Prabhakar Tewari Vs. State of U.P. and another, 2020 (11) SCC 648***, and ***Abhimanue etc. versus State of Kerala***, reported in ***2025 INSC 1136*** wherein the Hon'ble Supreme Court has observed that pendency of several criminal cases against an accused may itself cannot be a basis for refusal of bail.

Per contra learned Brief Holder has opposed the bail prayer of the applicant by contending that the innocence of the applicant cannot be adjudged at pre trial stage who is involved in supplying contraband, therefore, the applicant does not deserve any indulgence. In case the applicant is released on bail he will again indulge in similar activity.

Considering the facts of the case, larger mandate of Article 21 of the constitution of India, the nature of accusations, the nature of evidence in support thereof, the severity of punishment which conviction will entail, the character of the accused-applicant, circumstances which are peculiar to the accused, reasonable possibility of securing the presence of the accused at the trial, reasonable apprehension of the witnesses being tampered with, the larger interest of the public/ State and other circumstances, but without expressing any opinion on the merits, I am of the view that it is a fit case for grant of bail.

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

Let the applicant **Sonu** involved in abovesaid case crime 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 that :-

1. The applicant shall not tamper with the prosecution evidence by intimidating/ pressurizing the witnesses, during the investigation or trial.
2. The applicant shall cooperate in the trial sincerely without seeking any

adjournment.

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

In case of breach of any of the above conditions, it shall be a ground for cancellation of bail. Identity, status and residence proof of the applicant and sureties be verified by the court concerned before the bonds are accepted.

(Ashutosh Srivastava,J.)

January 22, 2026

Ravi Prakash