



2026:AHC:127044

**HIGH COURT OF JUDICATURE AT ALLAHABAD**

**CRIMINAL MISC. BAIL APPLICATION No. - 18785 of 2026**

Mukesh Patel

.....Applicant(s)

Versus

State of U.P.

.....Opposite  
Party(s)

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| Counsel for Applicant(s)      | : | Devesh Kumar Shukla |
| Counsel for Opposite Party(s) | : | G.A.                |

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**Court No. - 5**

**HON'BLE SANJIV KUMAR, J.**

1. List revised.
2. Supplementary affidavit filed today is taken on record.
3. Heard Sri Kapil Diwedi, Advocate holding brief of Sri Devesh Kumar Shukla learned counsel for the applicant, learned A.G.A for the State of U.P. and perused the record.
4. The present bail application has been filed on behalf of the applicant in Case Crime No.0434 of 2025, Police Station-Aurai, District- Bhadhoi, under section 8/20 The Narcotic Drugs and Psychotropic Substances Act, with the prayer to enlarge him on bail.
5. Learned counsel for the applicant submitted that the applicant has been falsely implicated in the present case. He further submitted that the applicant was not arrested at the spot and no recovery has been made from his possession. His name surfaced only from the statement of co-accused who has already been granted bail by a Coordinate Bench of this Court vide order dated 02.06.2026 passed in Criminal Misc. Bail Application No. 19064 of 2026. He next submitted that there has been non-compliance with Section 50 of the NDPS Act. The prosecution story is not supported by any independent witness. He further submitted that the criminal history of five cases was well explained in the affidavit. The applicant is languishing in jail since 19.03.2026. He further submitted that the charge-sheet has already been filed and there is no possibility of

tampering with the evidence. In such circumstances, the applicant is entitled to be released on bail.

6. Learned A.G.A. has opposed the prayer for grant of bail to the applicant.

7. In view of all the facts and circumstances of the case specially the fact that the applicant is not carrying any criminal history, in the considered opinion of this Court the satisfaction as required under Section 37 (1) (b) of the NDPS Act stands satisfied and the applicant has made out case for bail.

8. Keeping in view the nature of the offence, evidence, complicity of the accused, severity of punishment, submissions of the learned counsel for the parties and without expressing any opinion on the merits, I am of the considered view that applicant has made out a case for bail. The bail application is allowed.

9. Let the applicant- **Mukesh Patel**, who is involved in aforementioned 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 subject to following conditions.

(i) The applicant shall not commit or participate in any offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected.

(ii) 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.

(iii) The applicant shall file an undertaking to the effect that he shall not seek any adjournment on the date 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.

(iv) 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 under Section 229-A IPC (corresponding Section 269 BNS).

(v) In case, the applicant misuses the liberty of bail during trial and in order to secure his presence proclamation under Section 82 Cr.P.C. (corresponding Section 84 BNSS) may be issued and if 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 174-A IPC (corresponding Section 209 BNS) .

(vi) The applicant shall remain present, in person, before the Trial Court on dates fixed for (1) opening of the case, (2) framing of charge and (3) recording of statement under Section 313 Cr.P.C. (corresponding Section 351 BNSS). If in the opinion of the Trial Court absence of the applicant is deliberate or without sufficient cause, then it shall be open for the Trial Court to treat such default as abuse of liberty of bail and proceed against him in accordance with law.

10. In case of breach of any of the above conditions, it shall be a ground for cancellation of bail by the trial court.

**(Sanjiv Kumar,J.)**

**June 12, 2026**

A.N. Mishra