



2026:AHC:129746

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 21152 of 2026

Shariq @ Bulli

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Ankit Srivastava, Ch. Dil Nisar
Counsel for Opposite Party(s)	:	G.A.

Court No. - 71

HON'BLE VINAI KUMAR DWIVEDI, J.

1. Heard Mr. Viresh Kumar Yadav holding brief of Mr. Chaudhary Dil Nisar, learned Counsel for the applicant and Mr. Shyam Narain, learned A.G.A. appearing for the State.
2. The instant bail application under Section 483 B.N.S.S. has been filed with a prayer to enlarge the applicant on bail in Case Crime No. 08 of 2026, under Section 8/21/29 N.D.P.S. Act, Police Station Nakur District Saharanpur, during the pendency of the trial.
3. As per allegations of F.I.R., it is alleged that on 03.01.2026, when informant S.I. Neeraj Kumar with his police party was on duty for maintaining law and order then on the information received he arrested a man who was coming from the side of village Ghatampur, and directed along with other co-accused person Amzad was arrested and from his possession 120 grams of smack type material was recovered. On the instigation other co-accused persons such as Shadiq @ Lallu, Shariq @ Bulli, Amzad has accepted that do the work of smuggling the smack. On the information received from the co-accused person Amzad present accused applicant Shariq @ Bulli has been arrested. Learned counsel for the accused applicant has submitted that accused applicant Shariq @ Bulli has not been arrested from the spot but on the confession of the co-accused person Amzad his name has come in the light. Other co-accused person Amzad has been enlarged on bail by this Court by order dated 11.02.2026 passed in Criminal Misc. Bail Application No. 4106 of 2026.

Two criminal history has been shown against the accused applicant, which have been duly explained by him in paragraph 16 of the bail application. On the above ground, it is prayed that the accused-applicant also deserves to be enlarged on bail on the ground of parity and his role as indicated in the FIR.

4. Learned A.G.A. present on behalf of the State has vehemently opposed the prayer for bail, however, he has accepted that accused Amzad, who has been arrested on the spot and from whose possession 120 Gms. of smack has been recovered by the police, was released on bail by this Court. He, however, submitted that accused-applicant Shariq @ Bulli is a member of the gang whose leader is Amzad and with the gang all the accused persons do the smuggling work among the people.

5. In view of the arguments and counter arguments of both the learned counsel for the parties at length, from a perusal of the FIR it is apparent that accused applicant has not been arrested from the spot and no any recovery has been made from his possession. It is only said that the present accused applicant is a supplier of the smack. However, it is also inculcable fact that against the accused applicant, no any report of the Forensic Science Laboratory about the chemical examination is available on the record that shows that recovered smack is really smack or contraband in nature. The police was unable to file charge-sheet till now. Criminal history as indicated by the prosecution has been duly explained by the accused applicant in paragraph 16 of the bail application.

6. Considering the facts and circumstances of the case, the nature of allegations, the gravity of the offence, the severity of punishment, the evidence appearing in the case, in particular, the fact that *prima facie* there is nothing to show that the applicant is either a member or the leader of a gang, the fact that the applicant has no criminal history, but without expressing any opinion on merits, this Court, finds it to be a fit case for bail.

7. The bail application, accordingly, stands **allowed**.

8. Let the applicant Shariq @ Bulli in connection with Crime No. 08 of 2026, under Section 8/21/29 N.D.P.S. Act, Police Station Nakur District Saharanpur be released on bail on executing his personal bond and

furnishing two sureties each in the like amount to the satisfaction of the Court concerned with the following conditions:

- i) The applicant shall not tamper with the prosecution evidence.
- ii) The applicant shall not threaten or harass the prosecution witnesses.
- iii) The applicant shall appear on the date fixed by the Trial Court.
- iv) The applicant shall not commit an offence similar to the offence of which the applicant is accused, or suspected of the commission.
- v) 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 such person from disclosing facts to the Court or to any police officer or tamper with the evidence.

(Vinai Kumar Dwivedi,J.)

June 30, 2026
NSC