



2026:AHC:127917

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 20710 of 2026

Vishal Dubey

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Rajesh, Ravi Lal Gupta
Counsel for Opposite Party(s)	:	G.A.

Court No. - 45

HON'BLE VIVEK KUMAR SINGH, J.

1. Heard learned counsel for the applicant, and learned AGA for the State-respondents and perused the record.

2. The present bail application under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, has been filed on behalf of applicant, with a prayer to release him on bail in Case Crime No. 106 of 2026, under Section 8/20/60 of Narcotic Drugs and Psychotropic Substances Act, registered at Police Station Chandauli, District Chandauli, during pendency of the trial.

3. It has been submitted by learned counsel for the applicant that the applicant is innocent and has been falsely implicated in this case due to ulterior motive. It is further submitted that a false recovery was shown by the police against the applicant and co-accused Babban Singh and the applicant was driving the vehicle in which 55.350 Kg. of Ganja is said to have been recovered below the seat of the said vehicle. It is further submitted that the mandatory provisions of Sections 50 and 52-A of N.D.P.S. Act have not been complied with and the samples have not been taken in accordance with the Rules 9,10 and 11 of the notification published by the Union of India in the official gazette and the samples have not been certified by the learned Judicial Magistrate and the alleged recovery has also been made in the presence of a gazetted officer. It is further submitted that the FSL report of the alleged recovered contraband has not been submitted before the Court as yet, which is in violation of Rule 14 of the Rules published by the Union of India in the official gazette. The applicant is languishing in jail since 17.03.2026, undertakes that he will not misuse the liberty, if granted. It has also been pointed out that in the wake of heavy pendency of cases in the Court, there is no likelihood of any early conclusion of trial. Learned counsel for the applicant next contends that the similarly situated co-accused, namely, Babban Singh has been granted bail by a Co-ordinate Bench of this Court vide order dated 11.5.2026 passed in Criminal Misc. Bail Application No.

15803 of 2026. The applicant is languishing in jail since 17.03.2026.

4. Per contra learned A.G.A. has opposed the prayer for bail of the applicant and it has been submitted by him that the commercial quantity of the contraband has been recovered from a vehicle, in which, the applicant and co-accused were travelling in the said vehicle and the mandatory provisions of Sections 50 and 52-A of the N.D.P.S. Act have been complied with and Section 105 of BNSS have also been complied with.

5. As per allegations in the first information report, 55.350 Kg of ganja is said to have been recovered from below the seat cover of the said vehicle, in which, the applicant and co-accused were travelling. It is further submitted that the mandatory provisions of Sections 50 and 52-A of N.D.P.S. Act have not been complied with and the samples have not been taken in accordance with the Rules 9,10 and 11 of the notification published by the Union of India in the official gazette and the samples have not been certified by the learned Judicial Magistrate and the alleged recovery has also been made in the presence of a gazetted officer. It is further submitted that the FSL report of the alleged recovered contraband has not been submitted before the Court as yet, which is in violation of Rule 14 of the Rules published by the Union of India in the official gazette. The applicant is languishing in jail since 17.03.2026.

6. Upon considering the totality of facts, nature and the evidence reflected from record and also taking into consideration the provision of Section 37 of N.D.P.S. Act and the law laid down in the case of Nadeem Ahmad Vs. State of West Bengal 2025 LawSuit (SC) 1134 (2025) INSC 993) and Union of India vs Shiv Shanker Kesari (2007) 7 SCC 798 without expressing any opinion on merits of the case, I find it to be a fit case for bail. Hence, the present bail application is **allowed**.

7. Let the applicant- **Vishal Dubey** involved in the aforesaid case crime shall be released on bail on his furnishing a personal bond of Rs. 50,000/- with two sureties each in the like amount to the satisfaction of the Court concerned :-

(i) 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.

(ii) The applicant shall not pressurize/intimidate the prosecution witnesses.

(iii) The applicant shall remain present, in person, before the trial court on the dates fixed for (i) opening of the case, (ii) framing of charge and (iii) recording of statement under Section 351 of B.N.S.S.

(iv) The applicant shall file an undertaking to the effect that he shall not seek any adjournment on the dates fixed for evidence when the witnesses are present in the trial court.

(v) The applicant shall remain present before the trial court on each date fixed, either personally or through his counsel.

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

9. It is clarified that anything said in this order is limited to the purpose of determination of this bail application and will in no way be construed as an expression on the merits of the case. The trial court shall be absolutely free to arrive at its independent conclusions on the basis of evidence led unaffected by anything said in this order.

(Vivek Kumar Singh,J.)

June 17, 2026
Kumar Manish