



2026:AHC:129433

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 6422 of 2026

Suhail

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Mohammed Shadan, Mohd. Aslam
Counsel for Opposite Party(s) : G.A.

Court No. - 69

HON'BLE RAJIV LOCHAN SHUKLA, J.

1. Heard, Learned counsel for the applicant, the Learned A.G.A. for the State and perused the record.
2. The instant bail application has been filed with a prayer to release the applicant on bail in Case Crime No.556 of 2025, under Section 8/20 of N.D.P.S. Act, Police Station- Kutubsher, District- Saharanpur.
3. The Learned counsel for the applicant submits that the applicant has been falsely implicated in the present case. The applicant is said to have been found in possession of 'Charas' weighing 1kg and 50 grams, which is said to be 50 grams above the prescribed commercial quantity. The Learned counsel for the applicant submits that provisions of Section 50 N.D.P.S. Act have not been complied with. The memo of recovery does not indicate as to what kind of Electronic Weighing Machine was used to weigh the said contraband and a bald statement saying '*Vaikalpik Electronic Kanta*' is said to have been used for weighing the said contraband. The Learned counsel for the applicant further contends that the applicant has a criminal history of four other cases including the two cases under the Cow Slaughter Act and it is only due to this reason that the applicant has now been falsely implicated by police under the N.D.P.S. Act. The applicant is in jail since 20.12.2025.
4. The Learned A.G.A., on the other hand, has opposed the prayer for grant of bail and has contended that the contraband has been recovered from a packet being carried by the applicant in his hand and the

provisions of Section 50 of the N.D.P.S. Act are not applicable. The Learned A.G.A. has also contended that the applicant has a criminal history of four cases, which shows the propensity of the applicant to repeat the crime. The Learned A.G.A., however, has been unable to dispute the fact that the applicant has no criminal antecedents of any case under the N.D.P.S. Act.

5. I have considered the submissions made by the Learned counsels for the parties and perused the material brought on the record.

6. The applicant is said to be in jail since 20.12.2025. A charge-sheet has already been filed against the applicant. The charge-sheet indicates that the prosecution proposes to examine seven witnesses. The trial against the applicant is not likely to conclude in the near future. The criminal history of the applicant has been satisfactorily explained. The contraband recovered from the possession of the applicant is said to be 1 kg. and 50 grams of 'Charas' which is just marginally above the commercial quantity of 1 kg. The Electronic Weighing Machine that is said to have been used for weighing the contraband, is not described in the memo of recovery.

7. Taking into account all the facts and circumstances of the case, a *prima facie* case for bail is made out.

8. The bail application is ***allowed***.

9. Let the accused-applicant- **Suhail**, involved in above mentioned case crime number be released on bail, on his executing a personal bond and two reliable sureties each, in the like amount to the satisfaction of the court concerned, subject to the following conditions:

- i. The applicant will not tamper with the evidence.
- ii. The applicant will not indulge in any criminal activity.
- iii. The applicant will not pressurize/intimidate the prosecution witnesses and co-operate in the trial.
- iv. The applicant will appear regularly on each and every date fixed by the

trial court, unless his personal appearance is exempted by the court concerned.

10. In the event of breach of any of the aforesaid conditions, the trial Court will be at liberty to proceed to cancel his bail.

11. It is made clear that the applicant shall be released on the basis of computer generated copy of this order, downloaded from the official website of High Court Allahabad and verified by the concerned counsel with the undertaking that the certified copy will be filed within 15 days.

12. It is further directed that the trial court shall send the release order to the concerned jail through Bail Order Management System (BOMS) to ensure early release of the applicant.

13. The observations made hereinabove are exclusively for deciding the instant bail application and are not to be considered to be an opinion on the merits of the case.

(Rajiv Lochan Shukla,J.)

June 29, 2026

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