



2026:AHC:129351

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 21710 of 2026

Savej

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	A.Z. Khan
Counsel for Opposite Party(s)	:	G.A.

Court No. - 67

HON'BLE SAMEER JAIN, J.

1. Heard Sri A.Z. Khan, learned counsel for the applicant and Sri Rajeev Dhar Dwivedi, learned AGA for the State.
2. The instant bail application has been filed seeking release of the applicant on bail in Case Crime No. 206 of 2026, under Sections 8/21 NDPS Act, Police Station Nakur, District Saharanpur during pendency of the trial.
3. Learned counsel for the applicant submits, however, as per allegation from the possession of the applicant 34 gram smack is recovered but entire allegation levelled against him is totally false.
4. He next submits actually applicant is a social worker and, therefore, police personnel were highly inimical with him and only due to this reason by showing false recovery of contraband, he has been made accused in the present matter. He next submits even alleged recovered contraband does not involve commercial quantity, therefore, stringent provision of 37 of NDPS Act is not applicable in the present matter.
5. He next submits apart from the present case the applicant is not having any other criminal history and in the present he is in jail since 9.4.2026.
7. Per contra, learned AGA opposed the prayer for bail but could not dispute the argument on facts advanced by learned counsel for the applicant.

8. I have heard learned counsel for the parties and perused the record of the case.

9. However, as per allegation from the possession of the applicant 34 gram smack was recovered but alleged recovered contraband is not commercial quantity of contraband, therefore, stringent provisions of Section 37 of NDPS Act are not applicable in the present matter.

10. Further, as per the applicant he is a social worker. Considering this fact, the reason of false implication disclosed by the applicant in the instant bail application cannot be ruled out at this stage.

11. Further, applicant is not any criminal history and in the present matter he is in jail since 9.4.2026.

12. Further, even it reflects at the time of recovery neither any public witness was taken nor any serious attempt was made in this regard before alleged search of the applicant

13. Therefore, considering the facts and circumstances of the case discussed above, in my view, applicant is entitled to be released on bail.

14. Accordingly, without expressing any opinion on the merits of the case, the instant bail application is **allowed**.

15. Let the applicant - **Savej** be released on bail in the aforesaid case on furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned with the following conditions:-

(i) The applicant shall appear before the trial court on the dates fixed, unless his personal presence is exempted.

(ii) The applicant shall not directly or indirectly, make 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 any police officer or tamper with the evidence.

(iii) The applicant shall not indulge in any criminal and anti-social activity.

16. In case of breach of any of the above condition, the prosecution will be at liberty to move an application before this Court for cancellation of the bail of the applicant.

17. It is clarified that the observations made herein are limited to the facts brought in by the parties pertaining to the disposal of bail application and the said observations shall have no bearing on the merits of the case during trial.

(Sameer Jain,J.)

June 25, 2026
Kumar Manish