



2026:AHC:129550

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 18373 of 2026

Islam

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Ali Hasan, Istiyaq Ali
Counsel for Opposite Party(s)	:	G.A.

Court No. - 72

HON'BLE DEVENDRA SINGH-I, J.

1. Supplementary affidavit filed today is taken on record.
2. Heard learned counsel for the applicant and the learned AGA for the State.
3. The instant bail application has been filed seeking release of the applicant on bail in Case Crime No.354 of 2025, under Sections 8/21/29 of N.D.P.S. Act, Police Station- Gangoh, District- Saharanpur.
4. Submission of learned counsel for the applicant is that the quantity of the contraband shown to be recovered from the possession of the applicant is 251 gram of smacks, which is said to be below commercial quantity. The contention is that the police has deliberately shown the amount exaggeratedly just in order to add to the gravity of the offence. Further contention is that the statutory provisions of the Narcotic Drugs and Psychotropic Substances Act, 1985 have not been complied with in true letter and spirit, and therefore, the legal sanctity of the alleged recovery stands vitiated. The counsel has also tried to demonstrate the circumstances indicating the false implication of the applicant. Malice behind the prosecution has also been pleaded during the course of the arguments placed on behalf of the accused. Learned counsel for the applicant further submits that the applicant is in jail since 28.08.2025. The applicant has criminal history of six cases, which has been duly explained in paragraph no.2 of the supplementary affidavit.

5. Per contra, learned counsel for the Union of India has opposed the prayer for grant of bail to the applicant and submitted that there is ample evidence against the applicant regarding his involvement in the offence, therefore, he is not entitled to be released on bail.

6. Having considered the rival submissions advanced by learned counsel for the parties, the nature of accusations, the evidence brought on record, the period of incarceration undergone by the applicant, and without expressing any opinion on the merits of the case, this Court finds that the applicant has made out a case for grant of bail.

7. Accordingly, the bail application is **allowed**.

8. Let the applicant- **Islam** who is involved in the 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. Further, before issuing the release order, the sureties be verified.

(i) 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.

(ii) The applicant shall remain present before the Trial Court on each date fixed, either personally or through her counsel. In case of his absence, without sufficient cause, the Trial Court may proceed against her under Section 229-A IPC/ 269 B.N.S.

(iii) In case, the applicant misuses the liberty of bail during trial and in order to secure her presence proclamation under Section 82 Cr.P.C./ 84 B.N.S.S., 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 her, in accordance with law, under Section 174-A IPC/ 209 B.N.S.

(iv) 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. 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 her in accordance with law.

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

10. It is made clear that observations made in granting bail to the applicant shall not in any way affect the learned trial Judge in forming his independent opinion based on the testimony of the witnesses.

June 25, 2026
Sanjeet

(Devendra Singh-I,J.)