



2026:AHC:126084

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 14813 of 2026

Rahees Malik

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Anurag Shukla, Tiwari Ajay
Kumar

Counsel for Opposite Party(s) : G.A.

Court No. - 7

HON'BLE JAI PRAKASH TIWARI, J.

1. Heard Tiwari Ajay Kumar, learned counsel for the applicant, 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. 69 of 2026, under Sections 8/20(b)(ii)(c)/23 of Narcotic Drugs and Psychotropic Substances Act, registered at Police Station Wave City, District Ghaziabad, 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 5 Kg of charas is said to have been recovered from the joint possession of the applicant and co-accused Rahees Malik. It is further submitted that the alleged recovery has been made on 15.03.2026 and the samples have been taken on 17.03.2026 and the same has been sent for forensic examination on 23.03.2026. It is next submitted that the co-accused *Raju Yadav* has already been granted bail by this Court vide order dated 25.05.2026 passed in Criminal Misc. Bail Application No. 14818 of 2026 The applicant is languishing in jail since 15.03.2026 and the applicant is having no criminal history, 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.
4. Learned counsel for the applicant has placed reliance upon the judgement of Hon'ble Supreme Court in the case of **Rambabu Vs. State of Rajasthan and another, 2025 SCC OnLine SC1729**, in which, the bail was granted to the applicant, the first

information report was lodged on 25.09.2023 but the sample was sent to forensic examination after 24 days of delay, whereas the statute requires that such samples be sent within 72 hours of seizure.

5. Per contra learned A.G.A. has opposed the prayer for bail of the applicant.

6. As per allegations in the first information report, 5 Kg of charas is said to have been recovered from the joint possession of the applicant and co-accused Rahees Malik. It is further submitted that the alleged recovery has been made on 15.03.2026 and the samples have been taken on 17.03.2026 and the same has been sent for forensic examination on 23.03.2026. The applicant is languishing in jail since 15.03.2026 and the applicant is having no criminal history.

7. 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**.

8. Let the applicant- **Rahees Malik** 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.

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

10. 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.

June 5, 2026

Neetu

(Jai Prakash Tiwari,J.)