



2025:AHC:178840

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 18891 of 2025

Nagendra Kumar

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Gyan Prakash Tiwari, Kamlesh Tiwari
Counsel for Opposite Party(s) : G.A.

Court No. - 68

HON'BLE ASHUTOSH SRIVASTAVA, J.

Heard Sri G. P. Tiwari, learned counsel for the applicant and Sri Yagvalkya Pandey, learned AGA for the State and perused the entire material available on record.

This is a second bail application filed by the applicant. The first bail application filed by the present applicant was rejected by this Court vide order dated 05.12.2024, passed in Criminal Misc. Bail Application No. 39969 of 2024, Nagendra Kumar Vs. State of U.P. and another, copy whereof has been brought on record as Annexure-1 to the bail application.

The applicant has filed this second bail application with a prayer to enlarge him on bail in Case Crime No. 93 of 2024, under Sections 8/20/60 of Narcotic Drugs and Psychotropic Substances Act, 1985, Police Station Naugarh, District Chandauli. during the pendency of the trial.

In support of this second bail application, learned counsel for the applicant has reiterated the entire submissions made in the first bail application, which are not necessary to mention herein again by this Court.

Learned counsel for the applicant submits that vide order dated 08.07.2025 passed by this Court, counter affidavit was called for but till date no counter affidavit has been filed by learned AGA. He submits that trial of the present case is going on at snail's pace and there is no likelihood of early conclusion of the trial. Learned counsel for the applicant has contended that 85.220 Kg of Ganja is alleged to have been recovered from the possession of the

applicant. In fact no such recovery was effected from the applicant. It is further submitted that since such recovery is not supported by independent witness, possibility of his false implication in the crime cannot be ruled out. It is next contended that in the present case the prosecution has failed to follow strictly the provisions of Section 50 of the N.D.P.S. Act. There is no report of chemical analyst. It is also argued that the applicant is absolutely innocent and has been falsely implicated in the present crime with a view to cause unnecessary harassment and victimize him. It is further submitted that on the similar footing the co-accused Jay Prakash has been granted bail by the Court vide order dated 23.04.2025 passed in Criminal Misc. Bail Application No. 4477 of 2025, therefore, the applicant is also entitled to be released on bail. The applicant, who is in jail since 24.09.2025 having no criminal history to his credit and there is no likelihood of his fleeing from course of justice or tampering with evidence in case of release on bail. In case the applicant is released on bail he will not misuse the liberty of bail.

Per contra learned A.G.A. has opposed the bail prayer of the applicant by contending that the innocence of the applicant cannot be adjudged at pre-trial stage who is involved in supplying contraband, therefore, the applicant does not deserve any indulgence. In case the applicant is released on bail he will again indulge in similar activity.

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

Without expressing any opinion on the merits, let the applicant, **Nagendra Kumar**, involved in the aforesaid 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 with the following conditions that :-

1. The applicant shall not tamper with the prosecution evidence by intimidating/pressurizing the witnesses, during the investigation or trial.
2. The applicant shall cooperate in the trial sincerely without seeking any adjournment.
3. The applicant shall not indulge in any criminal activity or commission of any crime after being released on bail.

In case of breach of any of the above conditions, it shall be a ground for

cancellation of bail. Identity, status and residence proof of the applicant and sureties be verified by the court concerned before the bonds are accepted.

October 8, 2025

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(Ashutosh Srivastava,J.)