



2025:AHC:175560

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 27835 of 2025

Amjad

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Anurag Pandey
Counsel for Opposite Party(s)	:	G.A.

Court No. - 67

HON'BLE KRISHAN PAHAL, J.

1. List has been revised.
2. Heard Sri Shailesh Kumar Mishra, Advocate holding brief of Shri Anurag Pandey, learned counsel for the applicant, Sri Sunil Kumar, learned A.G.A. for the State and perused the material placed on record.
3. Applicant seeks bail in Case Crime No. 139/2025, under Sections 8/21/29 of The Narcotic Drugs And Psychotropic Substances Act, 1985, Police Station- Chilkana, District- Saharanpur, during the pendency of trial.
4. As per the allegations of the FIR, 10.5 grams of Smack is said to have been recovered from the possession of the applicant by the police on 24.06.2025.
5. Learned counsel for the applicant has argued that the applicant is absolutely innocent and has been falsely implicated in the present case with a view to cause unnecessary harassment and to victimize him. The contraband recovered is below the commercial quantity. There is no compliance of mandatory provision of Sections 50 & 52-A of the N.D.P.S. Act. The criminal history of two cases assigned to the applicant stands explained. The applicant is languishing in jail since 24.06.2025. The applicant is ready to cooperate with trial. In case, the applicant is released on bail, he will not misuse the liberty of bail.
6. Learned A.G.A. has vehemently opposed the bail application.

7. The Supreme Court in ***Prabhakar Tewari Vs. State of U.P. and another, 2020 (11) SCC 648*** has observed that pendency of several criminal cases against an accused itself cannot be a basis for refusal of bail, if otherwise his case of bail is made out.

8. In ***Arif Khan @ Agha Khan v. State of Uttarakhand (2018) 18 SCC 380***, in which the Supreme Court held that Section 50 of the NDPS Act mandatorily required search of the suspect/accused to be carried out in the presence of a magistrate or Gazetted officer, even if such a suspect/accused had waived the right to be taken to a magistrate or Gazetted Officer.

9. Upon hearing learned counsel for the parties, perusal of record and considering the complicity of accused, severity of punishment as well as totality of facts and circumstances, at this stage without commenting on the merits of the case, I find it a fit case for bail.

10. Let the applicant- **Amjad**, who is involved in aforementioned case 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 not tamper with evidence during trial.
- (ii) The applicant shall not pressurize/intimidate the prosecution witnesses.
- (iii) The applicant shall appear before the trial court on the date fixed.

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

12. 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.

(Krishan Pahal,J.)

September 26, 2025

Sharad/-