



2026:AHC:195435

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 32972 of 2026

Smt. Rihana

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Gaurav Mishra, Shiv Sharan Tripathi
Counsel for Opposite Party(s) : G.A.

Court No. - 68

(Sl. No. 35 out of 291)

HON'BLE KRISHAN PAHAL, J.

1. List has been revised.
2. Heard Sri Shiv Sharan Tripathi, learned counsel for the applicant, Sri V.K.S. Parmar, learned A.G.A. for the State and perused the material placed on record.
3. Applicant seeks bail in Case Crime No. 592 of 2026, under Section 8/20 of The Narcotic Drugs And Psychotropic Substances Act, 1985, Police Station- Qwarsi, District Aligarh, during the pendency of trial.
4. As per the allegations of the FIR, 5.108 kgs of ganja is stated to have been recovered from the joint possession of applicant and co-accused person.
5. Learned counsel for the applicant has argued that the applicant is absolutely innocent and has been falsely implicated in the present case by the police to show good work. The contraband recovered from the possession of the applicant is below commercial quantity. There is no report of the chemical analyst to corroborate the allegations that the alleged contraband is ganja. Learned counsel for the applicant has stated that there is no compliance of mandatory provision of Sections 52-A and 57 of the N.D.P.S. Act.
6. Learned counsel for the applicant has stated that there is no criminal history of the applicant. The applicant is languishing in jail since 16.7.2026. In case, the applicant is released on bail, she will not misuse the liberty of

bail.

7. Learned A.G.A. has vehemently opposed the bail application on the ground that the recovery of the contraband article is of commercial quantity.

8. Upon hearing learned counsel for the parties, perusal of record and considering the complicity of accused, severity of punishment, there being no compliance of mandatory provisions of the NDPS Act; there being no report of the chemical analyst to corroborate the allegations against the applicant, at this stage without commenting on the merits of the case, *prima facie*, I find it a fit case for bail. The bail application is **allowed**.

9. Let the applicant- **Smt. Rihana**, who is involved in aforementioned case be released on bail on her furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned subject to verification of sureties, with the condition that she shall not tamper with evidence or intimidate witnesses and shall appear before the trial court as required.

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

11. 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 16, 2026

Shalini