2026:AHC:191002

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 482 BNSS No. - 9436 of 2026

Mubarik

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite Party(s)

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

Court No. - 71

HON'BLE RAJIV LOCHAN SHUKLA, J.

1. Heard learned counsel for the applicant; and learned A.G.A. for the State.

2. The present anticipatory bail application has been filed on behalf of the applicant in Case Crime No. 103 of 2024, under Sections 8/18/29 of the N.D.P.S. Act, Police Station -Meerganj, District Bareilly, with a prayer to enlarge him on anticipatory bail, as the applicant apprehends his arrest in the aforesaid case.

3. The learned counsel for the applicant states that the applicant has been falsely implicated in the present case. The co-accused Nadeem was arrested by the police on spot and from his possession, 500 grams of opium, which is much less than the commercial quantity prescribed, was recovered. It is allegedly in the statement of the co-accused Nadeem that the name of the applicant has surfaced. The applicant had filed a writ petition being Criminal Misc. Writ Petition No.7467 of 2024, in which this Court was pleased to grant an interim order to the applicant staying his arrest till cognizance is taken on a police report. The applicant has a criminal history of two cases, in which he has been acquitted.

4. The learned A.G.A. has opposed the prayer for grant of anticipatory bail and has contended that one of the cases in the criminal history of the applicant relates to the NDPS Act. The applicant is a repeat offender and may not be considered for grant

of anticipatory bail. Learned A.G.A. however, does not dispute the fact that the applicant was granted interim protection by this Court during investigation and there is no allegation against the applicant of violating the interim protection granted or not co-operating with the investigation.

5. I have considered the submissions made by the learned counsel for the parties.

6. Similarly situated co-accused Rais Khan has been granted anticipatory bail by this Court in NABAIL No. 7483 of 2026. The applicant has a criminal history of two cases and in both the cases, he has been acquitted. The investigation against the applicant is complete and he is no longer required for a custodial interrogation.

7. Taking into consideration the entire facts and circumstances of the case, as discussed above, I deem it appropriate to enlarge the applicant on anticipatory bail.

8. The anticipatory bail application of the applicant is allowed.

9. In the event of the arrest of the applicant- **Mubarik**, involved in the aforesaid case crime, he shall be released on anticipatory bail, on his furnishing a personal bond and surety in the like amount to the satisfaction of the Station House Officer of the police station/Court concerned, with the following conditions:-

i. The applicant shall make himself available for interrogation by a police officer as and when required;

ii. 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;

iii. The applicant shall not leave India without the previous permission of the Court;

iv. The applicant shall not pressurize/intimidate the prosecution witness;

10. In case of breach of any of the above conditions, the Court concerned shall be at liberty to cancel the bail.

11. It is made clear that observations made hereinabove are exclusively for deciding the instant anticipatory bail application and are not to be considered to be an opinion on the merits of the case.

September 11, 2026
Sartaj

(Rajiv Lochan Shukla,J.)

Digitally signed by :-
SARTAJ AHMAD
High Court of Judicature at Allahabad