HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 32437 of 2026

Ayoush Jaiswal

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s) : Santosh Kumar Dubey, Vinay Bhushan Upadhyay

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

Court No. - 68

HON'BLE KRISHAN PAHAL, J.

1. List has been revised.

2. Heard Sri Vinay Bhushan Upadhyay, learned counsel for the applicant and Sri R.P. Patel, learned State Law Officer and also perused the material placed on record.

3. By means of the present application, the applicant seeks bail in **Case Crime No.** 319 of 2026, **under Sections** 8/21/27A/29/60 of Narcotic Drugs and Psychotropic Substances Act, 1985 **Police Station** - Chopan, **District** - Sonbhadra, during the pendency of trial.

4. As per the prosecution story, 508 grams of heroine is stated to have been recovered from the joint possession of two accused persons including the applicant by police.

5. Learned counsel for the applicant has stated that the applicant has been falsely implicated in the present case with a view to cause unnecessary harassment and to victimize him. No incriminating article has been recovered from the possession of the applicant. There is no independent witness to support the prosecution version. There is no chemical analyst report which indicates that the alleged recovery is a contraband article. The quantity of contraband has been inflated by the police just to make it fall within the category of commercial quantity. If the recovered contraband is apportioned among the accused, the quantity attributed to

each of them would fall below the commercial quantity.

6. Learned counsel has further stated that the applicant is languishing in jail since 17.08.2026, having no criminal history to his credit, deserves to be released on bail. In case, the applicant is released on bail, he will not misuse the liberty of bail and shall cooperate with trial.

7. Considering the facts and circumstances of the case, the submissions made by the learned counsel for the parties, the nature of the offence, and the severity of the prescribed punishment, as well as the absence of an independent witness, the lack of a chemical analyst report, and the debatable nature of the joint recovery vis-à-vis the commercial quantity threshold, this Court is *prima facie* of the view that a case for bail is made out.

8. Accordingly, the bail application is **allowed**. Let the applicant- **Ayoush Jaiswal,** be released on bail on furnishing a personal bond and two sureties to the satisfaction of the court concerned, subject to verification of sureties, with the conditions that he shall not tamper with evidence or intimidate witnesses and shall appear before the trial court as required.

9. Breach of any condition shall entail cancellation of bail. The observations herein shall not affect the trial on merits.

(Krishan Pahal,J.)

October 23, 2026
Siddhant

Digitally signed by :-
SIDDHANT SAHU
High Court of Judicature at Allahabad