2026:AHC:210884

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 36011 of 2026

Amit Kumar

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Rameshwar Prasad Mishra
Counsel for Opposite Party(s)	:	G.A.

Court No. - 68

HON'BLE KRISHAN PAHAL, J.

1. List has been revised.

2. Heard Sri Rameshwar Prasad Mishra, learned counsel for the applicant, Sri R.P. Patel, learned State Law Officer for the State and perused the material placed on record.

3. Applicant seeks bail in Case Crime No.453 of 2026, under Section 8/20 of The Narcotic Drugs And Psychotropic Substances Act, 1985, Police Station-Shahibabad, District Ghaziabad, during the pendency of trial.

4. As per the allegations of the FIR, 20.6 kg. of ganja is said to have been recovered from the joint possession of the applicant and co-accused Gaurav Pal.

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, if apportioned equally between two persons, shall fall below the commercial quantity. There is no report of the chemical analyst to corroborate the allegations that the alleged contraband is ganja. There is no compliance of the mandatory provisions of Sections 50, 52-A and 57 of the N.D.P.S. Act. There is no criminal history of the applicant. The applicant is languishing in jail since 21.08.2026. In case, the applicant is released on bail, he will not misuse the liberty of bail.

6. Learned State Law Officer has vehemently opposed the bail application.

7. Considering the facts and circumstances of the case, submissions made by learned counsel for the parties, the evidence on record, taking into consideration that there is no compliance with the mandatory provisions of Sections 50, 52-A and 57 of the N.D.P.S. Act, and without expressing any opinion on the merits of the case, *prima-facie* the Court is of the view that the applicant has made out a case for bail. The bail application is **allowed**.

8. Let the applicant- **Amit Kumar**, be released on bail in the aforementioned case crime 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 8, 2026
(Ravi Kant)

Digitally signed by :-
RAVI KANT
High Court of Judicature at Allahabad