2026:AHC:208763

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 35544 of 2026

Manish

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Prem Chandra Dwivedi, Vivek Kumar Dwivedi
Counsel for Opposite Party(s)	:	G.A.

Court No. - 65

HON'BLE SAMEER JAIN, J.

1. Heard Sri P.C. Dwivedi, learned counsel for the applicant and Sri Imran Khan, learned AGA for the State.

2. The instant bail application has been filed seeking release of the applicant on bail in Case Crime No. 824 of 2025, under Sections 8/20 N.D.P.S. Act, Police Station Ramgarh, District Firozabad during pendency of the trial.

3. Learned counsel for the applicant submits, however, this is second bail application filed on behalf of applicant and first bail application of the applicant has been dismissed on 20.04.2026 vide Criminal Misc. Bail Application No. 7433 of 2026 after considering the fact that from the possession of applicant commercial quantity of Charas was recovered and he is also having one previous criminal history of N.D.P.S. act but in the present matter applicant is in jail since 01.01.2026 and till date not even single prosecution witness could be examined.

4. He further submits, as per prosecution, from the possession of applicant 1.06 Kgs. Charas was recovered which is slightly more than prescribed limit.

5. He further submits, therefore, considering the facts of the case and long incarceration of the applicant of more than nine months, he may be enlarged on bail.

6. Per contra, learned AGA opposed the prayer for bail and submits, this is second bail application filed on behalf of applicant and first bail application of the applicant has been dismissed after considering the provisions of

Section 37 of N.D.P.S. Act and there is no new ground on the basis of which applicant may be enlarged on bail.

7. Learned AGA further submits, therefore, considering the facts of the case, the instant second bail application may be dismissed.

8. I have heard learned counsel for the parties and perused the record of the case.

9. This is second bail application filed on behalf of applicant. The first bail application of the applicant has been dismissed after considering the fact that as per prosecution from his possession commercial quantity of Charas was recovered and even he is having criminal history of eight other cases including one case of N.D.P.S. Act. However in the present matter applicant is in jail for last more than nine months but considering the provisions of Section 37 of N.D.P.S. Act coupled with the fact that for alleged offence minimum punishment is ten years, in view of this Court it is not proper to release the applicant on bail merely on this ground.

10. Therefore, considering the facts and circumstances of the case, in view of this Court there is no new ground on the basis of which instant second bail application may be considered.

11. Accordingly, without expressing any opinion on the merits of the case, the instant bail application is **rejected**.

12. It is clarified that the observations made herein are limited to the facts brought in by the parties pertaining to the disposal of bail application and the said observations shall have no bearing on the merits of the case during trial.

October 6, 2026
AK Pandey

(Sameer Jain,J.)

Digitally signed by :-
ANUPAM KUMAR PANDEY
High Court of Judicature at Allahabad