HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 37229 of 2026

Mohd Irfan

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Brijesh Kumar Pandey
Counsel for Opposite Party(s)	:	G.A.

Court No. - 66

HON'BLE ARUN KUMAR SINGH DESHWAL, J.

1. Heard Sri Brijesh Kumar Pandey, counsel for the applicant, Sri N.I. Srivastava, learned A.G.A. for the State and perused the record.

2. The instant bail application has been filed with a prayer to release the applicant on bail during trial in Case Crime No. 046 of 2026, under Section 8(c) / 21(c) of N.D.P.S Act and Section 318(4) of B.N.S., P.S. Kotwali, District- Rampur.

3. Counsel for the applicant submitted that as per the prosecution story, the police checked three vehicles in its jurisdiction adjacent to the Ashram, where three persons were arrested by the police on the spot along with one Scooty and one Daster Car; therefrom 3362 bottles of codeine based cough syrup were recovered by the police.

4. Counsel for the applicant submitted that the applicant was not named in the FIR. However, the applicant has been implicated merely on the ground that the recovered codeine based cough syrup from the named accused persons belongs to the same batch numbers, which were purchased by the applicant's firm from Three B Healthcare Ltd. It is further submitted that it is clear that the applicant has purchased 37500 bottles of codeine based cough syrup from Three B Healthcare Ltd. and sold all the bottles to Bio

Tech Pharmaceuticals; and purchase and sell invoices are available with him and there is no investigation that the sell invoices are forged or the applicant has sold the codeine based cough syrup to Bio Tech Pharmaceuticals illegally. It is further submitted that the applicant is a licensed retailer and he can purchase and sell the codeine based cough syrup and there is no illegality therein. It is further submitted that the co-accused Nazim Ali, Zeeshan and Akshay, who were arrested from the spot along with 3362 bottles of codeine based cough syrup, have already been released on bail by this Court in Criminal Misc. Bail Application No.35137 of 2026 vide order dated 14.10.2026, Criminal Misc. Bail Application No.25729 of 2026 vide order dated 01.09.2026 and Criminal Misc. Bail Application No.32865 of 2026 vide order dated 23.09.2026, respectively. Therefore, the applicant being on better footing is also entitled to be released on bail on the ground of parity. It is further submitted that the applicant has no criminal history. It is further submitted that charge sheet has been filed in the present case, therefore, there is no requirement of custodial interrogation. The applicant is a law abiding citizen and he is languishing in jail since 27.06.2026. In case, he is granted bail, he will not misuse the liberty of bail and would cooperate in the trial proceedings.

5. Per contra, learned A.G.A. for the State has vehemently opposed the prayer for bail but could not dispute the aforesaid facts.

6. Considering the entire facts and circumstances of the case, submissions of learned counsel for the parties; taking into account that the applicant was not arrested from the spot and there is no recovery of any codeine based cough syrup from the applicant; also taking into account that the co-accused Nazim Ali, Zeeshan and Akshay, who were arrested from the spot along with 3362 bottles of codeine based cough syrup, have already been released on bail by this Court; also taking into account that there is no material showing involvement of the applicant in illegal sale or transportation of codeine based cough syrup; and keeping in

view the nature of offence, evidence, complicity of accused and without expressing any opinion on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail. Accordingly, the bail application is **allowed**.

7. Let the applicant- **Mohd Irfan** involved in the aforementioned crime be released on bail, on his furnishing a personal bond and two sureties each in the like amount, to the satisfaction of the court concerned, with the following conditions:-

i. 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 or tamper with the evidence.

ii. The applicant shall cooperate in the trial/investigation sincerely without seeking any adjournment.

iii. The applicant shall not indulge in any criminal activity or commission of any crime after being released on bail.

iv. The applicant shall attend in accordance with the conditions of the bond executed by him.

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

9. Identity, status and residence proof of the applicant and sureties be verified by the court concerned before the bonds are accepted.

10. It is made clear that the applicant shall be released on the basis of computer generated copy of this order, downloaded from the official website of High Court Allahabad and verified by the concerned counsel with the undertaking that the certified copy will be filed within 15 days.

11. It is further directed that the trial court shall send the release

order to the concerned jail through Bail Order Management System (BOMS) to ensure early release of the applicant.

12. Office is directed to send a copy of this order to the applicant through concerned Jail Superintendent via e-mail or on e-prison portal and Trial Court via e-mode within 24 hours in compliance of the order of the Apex Court in the case of **Policy Strategy for Grant of Bail, In Re: Suo Motu Writ Petition (Crl.) No.4 of 2021** decided on 31.01.2023 reported in **(2024) 10 SCC 685** as well as **Pila Pahan @ Peela Pahan and others Vs. State of Jharkhand and another**, in **Writ Petition (Criminal) No. 169 of 2025**, decided on 29.05.2026.

October 27, 2026
CS/-

(Arun Kumar Singh Deshwal,J.)

Digitally signed by :-
CHANDAN SINGH
High Court of Judicature at Allahabad