HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 37246 of 2026

Rishabh Yadav

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s) : Bodhi Vallari, Sanjay Kumar Jaiswal
Counsel for Opposite Party(s) : G.A.

Court No. - 66

HON'BLE ARUN KUMAR SINGH DESHWAL, J.

1. Heard Sri Parth Chaubey, Advocate holding brief of Sri Sanjay Kumar Jaiswal, learned counsel for the applicant, Sri Nitish Kumar 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 in Case Crime No. 235 of 2025, under Sections 8/21/26(d)/29 N.D.P.S. Act, and Section 61(2), 318(4), 338, 336(3), 340(2), B.N.S., Police Station Kotwali, District Varanasi, during the pendency of trial.

3. The contention of learned counsel for the applicant is that the applicant is the proprietor of Urmila Pharmaceuticals, which is having a licence under the Drugs and Cosmetics Act as a dealer to stock, purchase and transport medicines and other drugs. It is further submitted that the allegation against the applicant is that he had purchased 2,37,000 bottles of Phensedyl cough syrup during the last three years, i.e., 2,19,000 bottles in 2023-2024, 8,000 bottles in 2024-2025 and 10,000 bottles in 2025-2026, from Saili Traders, which is a proprietorship concern of Bhola Prasad. The applicant sold the said purchased cough syrup to Shiva Enterprises, Kashi Vishwa Nath Enterprises, Mahadev Pharma, Sana Medicals and Divya Traders, and subsequently it was found that those five firms, though having licences, were not in existence and were not involved in any trade or business and few bottles of the cough syrup of the same batch numbers, which had been purchased by the applicant during the last three years, were also recovered

from Tripura and Bihar during the illegal transportation thereof. It is further submitted that though the applicant had transported the entire codeine-based cough syrup to different pharmaceutical firms through 24 vehicles, the applicant has been implicated only on the basis of the statement of the manager of the firm of owner of two of the vehicles, wherein he stated that he had not transported the same to the place mentioned in the e-way bill. The applicant has thus been falsely implicated without taking into consideration the 22 other vehicles through which the codeine-based cough syrup was transported on the basis of e-way bills. It is further submitted that the applicant has annexed the sale invoices regarding the sale and transportation of the purchased codeine-based cough syrup.

4. It is further submitted that the applicant has no criminal history. It is also submitted that the charge-sheet has been filed in the present case; therefore, there is no requirement for custodial interrogation. The applicant is a law-abiding citizen and has been languishing in jail since 09.04.2026. In case, the applicant is granted bail, he will not misuse the liberty of bail and will cooperate in the trial proceedings.

5. Per contra, learned A.G.A. has vehemently opposed the prayer for bail and submitted that it is not in dispute that the applicant had purchased 2,37,000 bottles of Phensedyl cough syrup during the last three years and the same had allegedly been transported by him to five different firms, which were found to be non-existent despite having drug licences. It is further submitted that the manager of the owner of two trucks has also stated that the truck number of his firm was incorrectly mentioned in the GST bill and that he had never transported any medicines from the applicant?s firm to any stockist or retailer. Therefore, the applicant is not entitled to be released on bail.

6. Considering the entire facts and circumstances of the case, the submissions of learned counsel for the parties and taking into account the fact that the applicant is a drug licence holder and has produced documents regarding the purchase and sale, including e-way bills regarding transportation of codeine-based cough syrup, merely because a few bottles of cough syrup having similar batch numbers have been recovered in Tripura and Bihar, it could not be said that the applicant is involved in the illegal sale

or transportation thereof, particularly when about 90,000 bottles of the same batch number are produced. Further, the charge-sheet has been filed and there is no other material regarding the illegal sale or transportation of codeine-based cough syrup. Keeping in view the nature of the offence, evidence and complicity of the accused, and taking into account the overcrowded jails and heavy pendency of criminal cases before the trial courts, as well as considering the mandate of the judgment of the Apex Court in the case of **Kapil Wadhawan vs. Central Bureau of Investigation, reported in 2025 SCC OnLine SC 3038**, as well as the guidelines of this Court in the case of **Maya Tiwari Vs. State of U.P., 2024 SCC OnLine All 6765**, regarding grant of bail, 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 present application is **allowed**.

7. Let the applicant- **Rishabh Yadav** 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.

(Arun Kumar Singh Deshwal,J.)

October 27, 2026
CS/-

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