HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 37842 of 2026

Vijay Kumar Ojha

.....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, Sri Rajendra Prasad Singh, learned State Law Officer for the State and perused the material placed on record.

3. Applicant seeks bail in Case Crime No.195 of 2026, under Sections 8/20, 60 of The Narcotic Drugs And Psychotropic Substances Act, 1985, Police Station- Babhani, District- Sonbhadra, during the pendency of trial.

4. 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. A false recovery of 24 Kg. of ganja is said to have been recovered from the joint possession of two persons including the applicant. The allegations are *per se* false and the contraband, if apportioned equally between two persons, shall fall below the commercial quantity.

5. Learned counsel for the applicant has further argued that the quantity of said contraband has deliberately been inflated by the informant just to make it fall within commercial category. There is no compliance of mandatory provision of Section 52A & 57 of the N.D.P.S. Act. There is no criminal history of the applicant. The applicant is languishing in jail since 6.9.2026. The applicant is ready to cooperate with trial. 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. Upon hearing learned counsel for the parties, perusal of record and considering the complicity of accused, severity of punishment as well as totality of facts and circumstances coupled with the fact that there is no compliance of mandatory provision of Section 52A & 57 of the NDPS Act, without commenting on the merits of the case, *prima facie*, I find it a fit case for bail. The bail application is allowed.

8. Let the applicant- **Vijay Kumar Ojha**, 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 24, 2026
Vikas Verma

Digitally signed by :-
VIKAS VERMA
High Court of Judicature at Allahabad