HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 482 BNSS No. - 10932 of 2026

Chandrakesh @ Chandresh

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s) : Shubham Yadav, Vijay Kumar Dwivedi

Counsel for Opposite Party(s) : G.A.

Court No. - 70

HON'BLE RAJIV LOCHAN SHUKLA, J.

1. Heard, Learned counsel for the applicant, the Learned A.G.A. for the State and perused the record.

2. The present anticipatory bail application has been filed on behalf of the applicant in Case Crime No.491 of 2026, under Sections 8/20/29 of the N.D.P.S Act and Sections 336(3), 338, 340(2) B.N.S., P.S.- Civil Line, District- Aligarh, with a prayer to enlarge him on anticipatory bail as the applicant apprehends his arrest in the above-mentioned case.

3. Learned counsel for the applicant has contended that 3.5 kgs of *Ganja* is said to have been recovered from the co-accused Devendra @ Kalia. The said contraband was being carried in a car being a Scorpio vehicle which was supposedly being used with a fake number plate. Learned counsel has contended that the said car belongs to the applicant and in the confessional statement of the co-accused the name of the applicant has surfaced. The allegation is that the applicant was able to make good his escape from the spot. Learned counsel has further submitted that five days prior to his implication in the present case, the applicant was implicated in another case being Case Crime No. 440 of 2026 at Police Station - Iglas, District Aligarh and only to enhance the criminal history of the applicant, the applicant has been implicated in the present case.

4. The Learned A.G.A. has opposed the prayer for grant of anticipatory bail and has submitted that the applicant's vehicle was undisputedly used in the crime in question. The applicant was also present in the vehicle but was able to escape while the co-accused Devendra was arrested. Learned

A.G.A. has further submitted that to deceive the police personnel, a fake number plate had been fixed to the car but the car undisputedly is that of the applicant. Use of a fake number plate clearly establishes the conspiracy of the applicant in the commission of the crime in question. Learned A.G.A., however, has not disputed the criminal antecedents as explained by the Learned counsel for the applicant.

5. I have considered the submissions made by the Learned counsel for the parties and perused the material brought on the record.

6. The contraband recovered from the co-accused is 3.5 kgs of *Ganja*. The quantity is much less than the commercial quantity of Ganja that is prescribed, which is 20 kgs. Other than the confessional statement of the co-accused and the recovery of the vehicle supposedly belonging to the applicant, there is no other direct evidence against the applicant. The applicant claims that the co-accused Devendra is the brother of the friend of the applicant who had borrowed the applicant's vehicle.

7. Taking into account all the facts and circumstances of the case and without expressing any opinion on the merits of the case, I deem it fit to enlarge the applicant on anticipatory bail.

8. In view of the above, the anticipatory bail application of the applicant is **allowed**.

9. In the event of the arrest of the applicant **Chandrakesh @ Chandresh**, he shall be released forthwith in the aforesaid case crime on anticipatory bail on furnishing a personal bond and surety each in the like amount to the satisfaction of the Station House Officer of the police station/Court concerned with the following conditions:-

i. the applicant shall make himself available for interrogation by a police officer as and when required;

ii. that 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;

iii. that the applicant shall not leave India without the previous permission of the Court;

iv. that the applicant shall not pressurize/intimidate the prosecution

witness;

10. In case of breach of any of the above conditions, the Court concerned shall be at liberty to cancel the bail.

11. It is made clear that observations made hereinabove are exclusively for deciding the instant anticipatory bail application and are not to be considered to be an opinion on the merits of the case.

(Rajiv Lochan Shukla,J.)

October 27, 2026
Sachin

Digitally signed by :-
SACHIN TIWARI
High Court of Judicature at Allahabad