HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 37736 of 2026

Nagendra @ Narendra @ Narendra Kumar

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Abhishek Tandon, Sunny Srivastava, Vivek Kumar Srivastava
Counsel for Opposite Party(s)	:	G.A.

Court No. - 68

HON'BLE KRISHAN PAHAL, J.

1. List has been revised.

2. Heard Sri Vivek Kumar Srivastava, learned counsel for the applicant and Sri Ram Mohit Yadav, learned A.G.A. for the State and also perused the material placed on record.

3. Applicant seeks bail in **Case Crime No.** 218 of 2026, **under Sections** 8/20/29 of NDPS Act, **Police Station** - Aurangabad, **District** - Bulandshahar, during the pendency of trial.

4. Learned counsel for the applicant contends that the applicant is falsely implicated in the present case. It is submitted that the applicant was not arrested from the spot, and no recovery of the alleged contraband (*Ganja*) was effected from his conscious possession. Instead, the recovery was made from the possession of co-accused persons. The applicant has been roped in solely on the basis of the confessional statements of the arrested co-accused recorded under Section 67 of the NDPS Act, which holds no evidentiary value and is hit by the judgment of the Supreme Court in ***Tofan Singh Vs. The State of Tamil Nadu (2021) 4 SCC 1***. It is further submitted that the applicant has no prior criminal history and has been languishing in jail since 18.09.2026.

5. Considering the facts and circumstances of the case, the submissions made by the learned counsel for the parties, the nature of the offence, the severity of the punishment, and also considering the fact that the applicant's implication rests primarily on the confessional statement of co-accused with

no independent recovery from his possession, this Court *prima facie* finds it a fit case to release the applicant on bail.

6. Accordingly, the bail application is **allowed**. Let the applicant- **Nagendra @ Narendra @ Narendra Kumar,** be released on bail 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.

7. Breach of any condition shall entail cancellation of bail. The observations herein shall not affect the trial on merits.

October 24, 2026
Siddhant

(Krishan Pahal,J.)

Digitally signed by :-
SIDDHANT SAHU
High Court of Judicature at Allahabad