2026:AHC:226873

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 38893 of 2026

Anuj Singh

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Gaurav Kumar Shukla, Shivam Kumar Mishra
Counsel for Opposite Party(s)	:	G.A.

Court No. - 68

HON'BLE KRISHAN PAHAL, J.

1. List has been revised.

2. Heard Sri Gaurav Kumar Shukla, learned counsel for the applicant and Sri R.P. Patel, learned State Law Officer and also perused the material placed on record.

3. Applicant seeks bail in **Case Crime No.** 35 of 2026, **under Sections** 8/20/29/60/61 of NDPS Act, **Police Station** - Lar, **District** - Deoria, during the pendency of trial.

4. Learned counsel for the applicant contends that the applicant has been falsely implicated in the present case. It is submitted that the applicant was not arrested from the spot. The prosecution case rests on the allegation that the applicant was the intended recipient of the contraband, comprising 328.73 kg of *ganja*, which was to be supplied by the co-accused. It is further urged that the implication of the applicant is primarily based upon the confessional statement of co-accused recorded u/s 67 of NDPS Act, which carries no evidentiary value and is hit by the law laid down by Supreme Court in the case of ***Tofan Singh v. State of Tamil Nadu, (2021) 4 SCC 1***. Furthermore, the applicant has no criminal antecedents and has been in judicial custody since 22.09.2026.

5. Considering the facts and circumstances of the case, the submissions advanced by the learned counsel for the parties, the nature of the offence, and the severity of the punishment, and also keeping in view the fact that the applicant was not apprehended from the spot, that his implication is

primarily based upon the confessional statement of a co-accused which is hit by the judgment of the Supreme Court in Tofan Singh (supra), coupled with the applicant's clean criminal history and the period of incarceration already undergone, 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- **Anuj Singh,** 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.

November 2, 2026
Siddhant

(Krishan Pahal,J.)

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