HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 37658 of 2026

Babban

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s) : Aniket Kumar, Keshari Nath Tripathi
Counsel for Opposite Party(s) : G.A.

Court No. - 68

HON'BLE KRISHAN PAHAL, J.

1. List has been revised.

2. Heard Sri Aniket Kumar, learned counsel for the applicant, Sri R.M. Yadav, learned A.G.A. for the State and perused the material placed on record.

3. Applicant seeks bail in Case Crime No.102 of 2026, under Section 8 and 20 of The Narcotic Drugs And Psychotropic Substances Act, 1985, Police Station- Mugalpura, District Moradabad, during the pendency of trial.

4. As per the allegations of the FIR, 1.118 kilograms of charas is said to have been recovered from the possession of the applicant.

5. 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. The quantity of the contraband has been inflated by the police to show good work and merely to bring it within the commercial category. There is no report of the chemical analyst to corroborate the allegations that the alleged contraband is charas. There is no compliance of the mandatory provisions of Section 52-A of the N.D.P.S. Act. The criminal history assigned to the applicant stands explained. The applicant is languishing in jail since 09.08.2026. In case, the applicant is released on bail, he will not misuse the liberty of bail.

6. Learned A.G.A. has vehemently opposed the bail application.

7. Considering the facts and circumstances of the case, submissions made by learned counsel for the parties, the evidence on record, taking into consideration that there is no compliance with the mandatory provisions of Section 52-A of the N.D.P.S. Act, and without expressing any opinion on the merits of the case, prima-facie the Court is of the view that the applicant has made out a case for bail. The bail application is ***allowed***.

8. Let the applicant- **Babban**, 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 23, 2026
Shalini

Digitally signed by :-
SHALINI JAISWAL
High Court of Judicature at Allahabad