2026:AHC:229058

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 37644 of 2026

Niswat @ Neshu

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Rajesh Kumar Pandey
Counsel for Opposite Party(s)	:	G.A.

Court No. - 68

HON'BLE KRISHAN PAHAL, J.

1. List has been revised. Supplementary affidavit filed by learned counsel for the applicant is taken on record.

2. Heard Sri Rajesh Kumar Pandey, learned counsel for the applicant, Sri Abhishek Mishra, learned A.G.A. for the State and perused the material placed on record.

3. Applicant seeks bail in Case Crime No.896 of 2026, under Section 21/22 of The Narcotic Drugs And Psychotropic Substances Act, 1985, Police Station- Kotwali Nagar, District- Bulandshahr, 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 93.33 grams of alprazolam powder has been foisted on the applicant. The allegations levelled against the applicant are *per se* false, and the quantity of contraband allegedly recovered falls below the commercial quantity. As such, the rigours of Section 37 of the NDPS Act are not attracted in the present case.

5. Learned counsel for the applicant has further argued that there is no compliance of mandatory provision of Section 52A and 57 of the N.D.P.S. Act. The criminal history attributed to the applicant has been explained. He is languishing in jail since 1.9.2026. 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 A.G.A. 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 recovered contraband is below the commercial quantity and there being 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- **Niswat @ Neshu**, 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.)

November 2, 2026
Vikas Verma

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