HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 37719 of 2026

Shivam

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s) : Ram Kumar Dubey, Vikas Kumar Yadav

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 Ram Krishna, Advocate holding brief of Sri Ram Kumar Dubey, learned counsel for the applicant, Sri Arun Kumar Mishra, learned A.G.A. for the State and perused the material placed on record.

3. Applicant seeks bail in Case Crime No.520 of 2026, under Section 8/20 of The Narcotic Drugs And Psychotropic Substances Act, 1985, Police Station-Katghar, District- Moradabad, 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 570 grams of charas has been foisted on the applicant. The allegations are *per se* false and the recovered contraband is below the commercial quantity.

5. Learned counsel for the applicant has further argued that there is no compliance of mandatory provision of Section 52A & 57 of the N.D.P.S. Act. The criminal history of the applicant has been explained. He is languishing in jail since 9.9.2026. 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- **Shivam**, 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 24, 2026
Vikas Verma

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