2026:AHC:229061

# HIGH COURT OF JUDICATURE AT ALLAHABAD

## CRIMINAL MISC. BAIL APPLICATION No. - 38740 of 2026

Sarfaraz

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

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| Counsel for Applicant(s) | : | Amir Khan, Thakur Prasad Dubey |
| Counsel for Opposite Party(s) | : | G.A. |

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**Court No. - 68**

**HON'BLE KRISHAN PAHAL, J.**

1. List has been revised. Supplementary affidavit filed today is taken on record. Learned counsel for the applicant is permitted the undertake the necessary corrections in the memorandum as well as in the prayer clause of the bail application during the course of the day.

2. Heard Sri Thakur Prasad Dubey, learned counsel for the applicant, Sri A.K. Mishra, learned A.G.A. for the State and perused the material placed on record.

3. Applicant seeks bail in Case Crime No.488 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. As per the allegations of the FIR, 1110 grams 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 compliance of the mandatory provisions of Sections 52-A and 57 of the N.D.P.S. Act. The criminal history assigned to the applicant stands explained. The applicant is languishing in jail since 22.11.2025. 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 Sections 52-A and 57 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- **Sarfaraz**, 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**
(Ravi Kant)

Digitally signed by :-
RAVI KANT
High Court of Judicature at Allahabad