2025:AHC:229568

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 41216 of 2025

Shamshad

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s) : Jainendra Kumar Pandey, Vipin Chandra Pandey

Counsel for Opposite Party(s) : G.A.

Court No. - 68

HON'BLE ASHUTOSH SRIVASTAVA, J.

Heard Shri Jainendra Kumar Pandey, learned counsel for the applicant, Shri Yagvalk Pandey, learned AGA for the State-respondents and perused the record.

This bail application under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 has been moved on behalf of accused-applicant, Shamshad , seeking enlargement on bail in Case Crime No. 346 of 2025, under Sections 8/20/29 of NDPS Act, Police Station Nakur, District Saharanpur.

Learned counsel for the applicant argued that the accused-applicant is innocent and no recovery was effected from his possession. He has been falsely implicated in this very case crime number and is languishing in jail since 17.9.2025. Learned counsel for the applicant submits that similarly circumstanced co-accused Avaleen has already been enlarged on bail by this Court on 14.10.2025 in Criminal Misc. Bail Application No.34267 of 2025. He has 10 cases of criminal antecedent, which have sufficiently been explained and there is no likelihood of his fleeing from course of justice or tampering with evidence in case of release on bail. Hence, bail has been prayed for.

Per contra learned A.G.A. has opposed the prayer for bail of the applicant, but could not dispute the aforesaid fact.

Considering the facts of the case, larger mandate of Article 21 of the

constitution of India, the nature of accusations, the nature of evidence in support thereof, the severity of punishment which conviction will entail, the character of the accused-applicant, circumstances which are peculiar to the accused, reasonable possibility of securing the presence of the accused at the trial, reasonable apprehension of the witnesses being tampered with, the larger interest of the public/ State and other circumstances, but without expressing any opinion on the merits, I am of the view that it is a fit case for grant of bail.

Accordingly, the bail application is ***allowed***.

Let the accused-applicant, **Shamshad** , involved in above mentioned case crime number be released on bail, on his executing a personal bond and two reliable sureties each, in the like amount to the satisfaction of the court concerned, subject to the following conditions:

1. The applicant will not tamper with the evidence.

2. The applicant will not indulge in any criminal activity.

3. The applicant will not pressurize/intimidate the prosecution witnesses and co-operate in the trial.

4. The applicant will appear regularly on each and every date fixed by the trial court, unless his personal appearance is exempted through counsel by the court concerned.

In the event of breach of any of the aforesaid conditions, the court below will be at liberty to proceed to cancel his bail.

(Ashutosh Srivastava,J.)

December 19, 2025
Ravi Prakash

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