2026:AHC:99510

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 7410 of 2026

Rahul Singh

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Hariom Kamal Singh
Counsel for Opposite Party(s)	:	G.A.

Court No. - 69

HON'BLE JITENDRA KUMAR SINHA, J.

1. Heard Sri Hariom Kamal Singh, learned counsel for the applicant and Sri Shiv Dutt Shukla, learned AGA for the State-respondents and perused the record.

2. The present bail application under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, has been filed on behalf of applicant with a prayer to release him on bail in Case Crime No. 390 of 2025, under Section 8, 20, 60 NDPS Act, registered at Police Station Jigna, District Mirzapur, during pendency of the trial.

3. It has been argued by the learned counsel for the applicant that applicant is innocent and he has been falsely implicated in this case and he has been languishing in jail since 30.12.2025. It is further submitted that co-accused Bhola Tiwari and Prateek Singh have already been granted bail by this Court as well as by a co-ordinate Bench of this Court and the role of the applicant is not distinguishable from the role of above co-accused. It is further submitted that 50.7kg of ganja is said to have been recovered from a vehicle when the applicant and other co-accused were trying to shift the same from one vehicle to another vehicle, however, it is submitted that mandatory provisions of Sections 52-A of NDPS Act have not been complied with as the samples have not been taken in accordance with the Rules 9, 10 and 11 of the Rules published by the Union of India in the official gazette and the same have not

been certified by the learned Magistrate. It is further submitted that applicant is having no criminal history. It is also submitted that the applicant undertakes that he will not misuse the liberty, if granted. It has also been pointed out that in the wake of heavy pendency of cases in the Court, there is no likelihood of any early conclusion of trial.

4. On the other hand, learned A.G.A. has opposed the prayer for grant of bail to the applicant.

5. Co-accused Bhola Tiwari and Prateek Singh have already been granted bail by this Court as well as by a co-ordinate Bench of this Court and the role of the applicant is not distinguishable from the role of above co-accused. As per FIR, 50.7kg of ganja is said to have been recovered from a vehicle when the applicant and other co-accused are said to be trying to shift the same from one vehicle to another vehicle, however, it is submitted that mandatory provisions of Sections 52-A of NDPS Act have not been complied with as the samples have not been taken in accordance with the Rules 9, 10 and 11 of the Rules published by the Union of India in the official gazette and the same have not been certified by the learned Magistrat.e

6. Upon considering the totality of facts, nature and the evidence reflected from record and also taking into consideration the provision of Section 37 of the NDPS Act and without expressing any opinion on merits of the case, I find it to be a fit case for bail. Hence, the present bail application is **ALLOWED**.

7. Let the applicant- **Rahul Singh** involved in the aforesaid case crime be released on bail on his furnishing a personal bond of Rs. 50,000/- with two sureties each in the like amount to the satisfaction of the Court concerned with the following conditions :-

(i) The applicant shall not directly or indirectly make any inducement, threat, or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts

to the court or to any police officer or tamper with the evidence.

(ii) The applicant shall not pressurize/intimidate the prosecution witnesses.

(iii) The applicant shall remain present, in person, before the trial court on the dates fixed for (i) opening of the case, (ii) framing of charge and (iii) recording of statement under Section 351 of B.N.S.S.

(iv) The applicant shall file an undertaking to the effect that he shall not seek any adjournment on the dates fixed for evidence when the witnesses are present in the trial court.

(v) The applicant shall remain present before the trial court on each date fixed, either personally or through his counsel.

8. In case of breach of any of the above conditions, it shall be a ground for cancellation of bail.

9. It is clarified that anything said in this order is limited to the purpose of determination of this bail application and will in no way be construed as an expression on the merits of the case. The trial court shall be absolutely free to arrive at its independent conclusions on the basis of evidence led unaffected by anything said in this order.

(Jitendra Kumar Sinha,J.)

April 30, 2026
Abhishek

Digitally signed by :-
ABHISHEK AGRAHARI
High Court of Judicature at Allahabad