



HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 4910 of 2026

Asif Khan

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Ali Hasan, Istiyaq Ali
Counsel for Opposite Party(s)	:	G.A.

Court No. - 68

HON'BLE ASHUTOSH SRIVASTAVA, J.

Heard Shri Istiyaq Ali, learned counsel for the applicant and Shri Manoj Kumar Singh, learned AGA for the State.

The applicant is incarcerated in jail in relation to Case Crime No. 703 of 2025 lodged under Section 8/21/29 of NDPS Act, Police Station Sadar Bazar, District Saharanpur since 26.11.2025.

Learned counsel for the applicant has argued that the manner in which the arrest of the applicant has been carried out and recovery of 4.320 Kg. of illicit Smack has been recovered as laid down in the recovery memo is false and planted inasmuch as, applicant along with his family members had gone to visit Azmer Shariff in Rajasthan in vehicle having registration No. UP-25-IJ-3776 and had stayed in a hotel. While returning back to Bareilly, he crossed three toll plazas in which the vehicle was captured in the CCTV camera installed in the toll plaza. However, the recovery memo shows that the vehicle had no number plate. He has tried to argue that the persons sitting in the car were his family members whereas in the FIR apart from the applicant, the other three occupants have no concern with the applicant. It is tried to argue that the entire recovery is a planted recovery. Avernments to this effect has been made in Paragraph 16 & 17 of the affidavit filed in support of the bail application.

In the opinion of the Court, the said avernments are required to be rebutted by learned AGA by filing counter affidavit particularly, in view

of the fact that large quantity of contraband i.e. Smack has been recovered from the vehicle in question.

Accordingly, three weeks time is granted to learned AGA to file counter affidavit. One week thereafter is granted to learned counsel for the applicant to file rejoinder affidavit.

List this case on 17.4.2026 in the top 10 cases.

(Ashutosh Srivastava,J.)

March 18, 2026

Ravi Prakash