



**HIGH COURT OF JUDICATURE AT ALLAHABAD**

**CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 482 BNSS No.  
- 1481 of 2026**

Naseem

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite  
Party(s)

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Counsel for Applicant(s) : Ankit Srivastava, Ch. Dil Nisar  
Counsel for Opposite Party(s) : G.A.

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**Court No. - 72**

**HON'BLE JITENDRA KUMAR SINHA, J.**

1. Heard Sri Choudhary Dilnisar, learned counsel for the applicant and Sri O.P. Singh, learned A.G.A. for the State and perused the record.
2. Present application has been moved seeking anticipatory bail in Case Crime No. 28 of 2026, under Sections 8/21/29 NDPS Act, Police Station Gangoh, District Saharanpur with the prayer that in the event of arrest, applicant may be released on bail.
3. At the very outset, learned A.G.A. submits that he has not received any instructions as yet.
4. On the other hand, learned counsel for the applicant submits that applicant is innocent and he has an apprehension that he may be arrested in the above-mentioned case. He further submits that no offence is made out against the applicant and his name has surfaced in the confessional statement of arrested co-accused Vikas@Sahil and from whose possession 26 gram smack is said to have been recovered. It is further submitted that the confessional statement of arrested co-accused is not admissible against the accused in view of the law laid down by Hon'ble Apex Court in the case of *Toofan Singh vs. State of Tamil Nadhu*, 2021 (4) SCC 1. It is further submitted that the applicant is having criminal history, which has been explained in the memo of application. It was also submitted that applicant undertakes to co-operate during trial and he would appear as and when required by the investigating agency or Court.

It has been stated that in case, applicant is granted anticipatory bail, he shall not misuse the liberty of bail and will co-operate with the investigation and would obey all conditions of bail.

**5.** It may be stated that in case of *Siddharam Satlingappa Mhetre v. State of Maharashtra*, (2011) 1 SCC 694, it has been held by Hon'ble Supreme Court that while deciding anticipatory bail, the Court must consider nature and gravity of accusation, antecedent of accused, possibility of accused to flee from justice and that Court must evaluate entire available material against the accused carefully and that the exact role of the accused has also to be taken into consideration.

**6.** Considering the above submissions of the learned counsel for the applicant and without expressing any opinion on merits, the applicant-**Naseem** involved in the aforesaid case crime be released on **interim anticipatory 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 **till 27.3.2026** with the following conditions :-

(i) The applicant shall not tamper with evidence and that he would appear before the trial Court on the date fixed unless exempted by the Court concerned;

(ii) 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/her/them from disclosing such facts to the Court or to any police officer;

(iii) The applicant would cooperate during trial and would not misuse the liberty of interim interim anticipatory bail bail.

(iv) The applicant shall not leave India without prior permission of the Court concerned.

**7.** In default of any of the conditions, the prosecution shall be at liberty to file appropriate application for cancellation of interim anticipatory bail granted to the applicant herein.

**8.** List this case as fresh on 27.3.2026.

**9.** In the meantime, learned AGA may obtain instructions in the matter.

**(Jitendra Kumar Sinha,J.)**

**February 13, 2026**

Abhishek