



2026:AHC:180670

HIGH COURT OF JUDICATURE AT ALLAHABAD

**CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 482 BNSS No.
- 5047 of 2026**

Shyam Yadav @ Shambhu Yadav

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Rahul Yadav, Sanjeev Yadav
Counsel for Opposite Party(s)	:	Dinesh Rai, G.A.

Court No. - 72

HON'BLE VIVEK KUMAR SINGH, J.

1. Heard Sri Rahul Yadav, learned counsel for the applicant, learned A.G.A for the State and perused the record.
2. None appears on behalf of the informant/ opposite party no.2 even in the revised call.
3. The present application has been filed on behalf of the applicant in Case Crime No.062 of 2026, under Sections 319(2), 318(4), 123, 61(2) B.N.S., Section 29 of N.D.P.S. Act and Section 18/27 of Drug and Cosmetic Act, Police Station - Rani Ki Sarai, District Azamgarh, with a prayer to grant him anticipatory bail.
4. Learned counsel for the applicant submits that the applicant is absolutely innocent and has been falsely implicated in the present case. He has nothing to do with the alleged offence, in spite of which the police are trying to arrest him. It is further contended that initially the FIR was lodged under Sections 319(2) and 318(4) of the B.N.S. Subsequently, Sections 123, 61(2) of the B.N.S., Section 29 of the N.D.P.S. Act and Section 18/27 of the Drugs and Cosmetics Act were added during the course of investigation. As per the allegations levelled in the FIR, it is alleged that one Ajay Yadav was arrested by the Dubai Police at the airport along with 740 tablets of morphine. He stated that the aforesaid tablets were handed over to him by the applicant and co-accused Vinod Yadav @ Guddu and Laljeet Yadav. It is further submitted by the learned counsel for the applicant that the statement of Ajay

Yadav was recorded by the Dubai Police, wherein he stated that the aforesaid tablets were handed over to him by one Kaddu Yadav. When his statement was recorded before the trial court, he again stated that the aforesaid tablets were given to him by Kaddu Yadav. The name of the applicant was not taken by Ajay Yadav. It is further submitted that Ajay Yadav was apprehended by the Dubai Police on 25.09.2025, and the present FIR was lodged after about six months on 14.03.2026 with ulterior motives. It is further contended that co-accused Sandeep Vishwakarma, who was not nominated in the FIR, has been enlarged on interim anticipatory bail by a Coordinate Bench of this Court vide order dated 02.07.2026. The false allegation of supplying prohibited medicines to Ajay Yadav for the purpose of delivering them to someone in Dubai has been levelled by the first informant of the present case after a very long delay, which has not been satisfactorily explained by him. The innocence of the applicant is manifest from a perusal of the judgment of conviction of the Dubai Court. Had the applicant participated in the alleged offence, his name would have been taken by Ajay Yadav before the police authorities as well as the trial court in Dubai. The applicant has no criminal history to his credit. Learned counsel for the applicant further submits that the applicant undertakes to cooperate during investigation and trial and shall appear as and when required by the Investigating Agency or the Court concerned. It has also been stated that, in case the applicant is granted anticipatory bail, he shall not misuse the liberty of bail, shall cooperate with the investigation, and shall abide by all the conditions that may be imposed by the Court.

5. On the other hand, learned A.G.A. has opposed the application for anticipatory bail, however, he does not dispute the factual aspect.

6. I have heard the rival submissions of both sides and perused the record.

7. In **Sushila Aggarwal and others vs. State (NCT of Delhi) and another, (2020) 5 SCC 1**, the Hon'ble Apex Court has held that while considering an application for grant of anticipatory bail, the court has to consider the nature of the offence, the role of the person, the likelihood of his influencing the course of investigation, or tampering with evidence including intimidating witnesses, likelihood of fleeing justice, such as

leaving the country, etc. It has further been held that Courts ought to be generally guided by considerations such as the nature and gravity of the offences, the role attributed to the applicant, and the facts of the case, while considering whether to grant anticipatory bail, or refuse it. Whether to grant or not is a matter of discretion.

8. In **Siddharth Vs. State of Uttar Pradesh & Another, (2022) 1 Supreme Court Cases 676**, the Hon'ble Apex Court has held that personal liberty is an important aspect of our constitutional mandate. The occasion to arrest an accused during investigation arises when custodial investigation becomes necessary or it is a heinous crime or where there is a possibility of influencing the witnesses or accused may abscond. Merely because an arrest can be made because it is lawful does not mandate that arrest must be made. A distinction must be made between the existence of the power to arrest and the justification for exercise of it. If arrest is made routine, it can cause incalculable harm to the reputation and self-esteem of a person. If the Investigating Officer has no reason to believe that the accused will abscond or disobey summons and has, in fact, throughout cooperated with the investigation, then there is no compulsion on the officer to arrest the accused.

9. Considering the settled principle of law regarding anticipatory bail, submissions of the learned counsel for the parties, nature of accusation, role of applicant and all attending facts and circumstances of the case, without expressing any opinion on merits, a case for anticipatory bail is made out.

10. Accordingly, the anticipatory bail application is **allowed** with following directions:-

(i) In the event of arrest of the applicant- **Shyam Yadav @ Shambhu Yadav**, involved in the aforesaid case, he shall be released on anticipatory bail till the conclusion of trial, on his furnishing a personal bond of Rs.50,000/- with two sureties each of the like amount to the satisfaction of the Station House Officer of the police station concerned or the court concerned.

(ii) The applicant shall co-operate with the Investigating Officer during investigation and shall report to the Investigating Officer as and when

required for the purpose of conducting investigation;

(iii) 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 her/him from disclosing such facts to the Court or to any police officer; and

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

11. In default or misuse of any of the conditions, the Public Prosecutor/ Investigating Officer/ first informant-complainant is at liberty to file appropriate application for cancellation of anticipatory bail granted to the applicant, before the concerned court.

(Vivek Kumar Singh,J.)

August 31, 2026
Radhika