



2026:AHC:179628

**HIGH COURT OF JUDICATURE AT ALLAHABAD**

**CRIMINAL MISC. BAIL APPLICATION No. - 30078 of 2026**

Adarsh Gupta @ Pankaj

.....Applicant(s)

Versus

State of U.P.

.....Opposite  
Party(s)

Counsel for Applicant(s) : Gaurav Dwivedi, Kamlesh Kumar  
Dwivedi

Counsel for Opposite Party(s) :

**Court No. - 66**

**HON'BLE ARUN KUMAR SINGH DESHWAL, J.**

1. Heard Sri Kamlesh Kumar Dwivedi, learned counsel for the applicant, Sri Bhupendra Pal Singh, learned A.G.A. for the State and perused the record.

2. This is a second bail application filed on behalf of the applicant with a prayer to release him on bail in Case Crime No. 51 of 2026, under Section 103(1) B.N.S. & Section 27/30 Arms Act, Police Station Gagaha, District Gorakhpur, during the pendency of the trial. The first bail application of the applicant being Criminal Misc. Bail Application No. 11729 of 2026 was rejected on 08.04.2026.

3. Contention of learned counsel for the applicant is that the first bail application of the applicant was rejected on the ground that the eye-witnesses Wasim (DJ owner) as well as Har Govind had supported the prosecution story and stated that the applicant, on being annoyed by the non-playing of his favorite song by the DJ player, fired, which hit the deceased. It is further submitted that during the trial, the father of the deceased was examined as P.W.-1, while Wasim (DJ owner) was examined as P.W.-2 and Har Govind was examined as P.W.-3, and all the three prosecution witnesses did not support the prosecution story and were declared hostile by the trial court. Therefore, as on date, there is no material against the applicant regarding firing upon the deceased.

4. It is further submitted that the applicant has no criminal history and the trial is going on. It is further submitted that the charge sheet has been filed in the present case; therefore, there is no requirement of custodial interrogation. The applicant is a law-abiding citizen and is languishing in jail since 16.02.2026. In case he is granted bail, he will not misuse the liberty of bail and would cooperate in the trial proceedings.

5. Per contra, learned A.G.A. has vehemently opposed the prayer for bail but could not dispute the aforesaid facts.

6. Considering the entire facts and circumstances of the case, submissions of learned counsel for the parties and keeping in view the nature of offence, evidence, complicity of the accused and taking into account the fact that the eye-witness as well as the first informant (father of the deceased) did not support the prosecution story before the trial court and the applicant is in jail since 16.02.2026, coupled with the fact that the applicant has no criminal history, and considering the overcrowded jails and heavy pendency of criminal cases before the trial courts as well as considering the mandate of the judgment of the Apex Court in the case of **Kapil Wadhawan vs. Central Bureau of Investigation** reported in **2025 SCC OnLine SC 3038** as well as the guidelines of this Court in the case of **Maya Tiwari Vs. State of U.P., 2024 SCC OnLine All 6765** regarding grant of bail and without expressing any opinion on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail. Accordingly, the present application is **allowed**.

7. Let the applicant- **Adarsh Gupta @ Pankaj**, involved in the aforementioned crime be released on bail, on his furnishing a personal bond and 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 cooperate in the trial/investigation sincerely without seeking any adjournment.

iii. The applicant shall not indulge in any criminal activity or commission of any crime after being released on bail.

iv. The applicant shall attend in accordance with the conditions of the bond executed by him.

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

9. Identity, status and residence proof of the applicant and sureties be verified by the court concerned before the bonds are accepted.

10. Verification of mobile number and Aadhaar card of the applicant as well as sureties should be verified by the court concerned.

11. It is made clear that the applicant shall be released on the basis of computer generated copy of this order, downloaded from the official website of High Court Allahabad and verified by the concerned counsel with the undertaking that the certified copy will be filed within 15 days.

12. It is further directed that the trial court shall send the release order to the concerned jail through Bail Order Management System (BOMS) to ensure early release of the applicant.

13. Office is directed to send a copy of this order to the applicant through **Jail Superintendent, Gorakhpur** via e-mail or on e-prison portal and Trial Court via e-mode within 24 hours in compliance of the order of the Apex Court in the case of **Policy Strategy for Grant of Bail, In Re: Suo Motu Writ Petition (Crl.) No.4 of 2021 decided on 31.01.2023** reported in **(2024) 10 SCC 685** as well as **Pila Pahan@Peela Pahan and others Vs. State of Jharkhand and another, in Writ Petition (Criminal) No. 169 of 2025**, decided on **29.05.2026**.

14. Application, if any, stands **disposed of**.

(Arun Kumar Singh Deshwal,J.)

**August 25, 2026**  
SA