



2026:AHC:179982

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 5299 of 2026

Danish Ahmad

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Ashok Kumar Singh Bais, Rohit Kumar Singh, Shantanu Srivastava
Counsel for Opposite Party(s) : Malik Juned Ahmad, G.A.

Court No. - 70

HON'BLE JAI PRAKASH TIWARI, J.

Heard learned counsel for the applicant, learned counsel for the informant and learned AGA for the State-respondent and perused the record of the case.

The instant application has been filed seeking release of the applicant on bail in Case Crime No. 637 of 2025, under Sections 61(2), 318(4), 316(2), 338, 336(3), 340(2) BNS, Police Station- Bistrakh, District- Gautam Budh Nagar, during pendency of the trial in the court concerned.

Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the present case due to ulterior motives. It is alleged in the FIR that the accused persons induced the informant to part with money on the assurance of providing a flat and received consideration towards the proposed transaction. It is further submitted that, as alleged, on the assurance of co-accused Hanu Garg, a sum of Rs. 24,00,000/- was transferred into the account of Mariya Enterprises, which is operated by the applicant. It is submitted that the applicant is the proprietor of the said firm, namely, Mariya Enterprises, and that the applicant and co-accused Hanu Garg were known to each other. Co-accused Hanu Garg informed the applicant that he did not have any registered firm in his name and that certain payments were likely to be received by him. He, therefore, requested the applicant to receive the said payment in the account of Mariya Enterprises on his behalf. Acting upon such request, the applicant received the amount in the account of the said firm and, thereafter, transferred the same to co-accused Hanu Garg. It is further submitted that the applicant has no concern whatsoever with the allegations levelled against him and has neither committed nor participated in any offence as alleged by the prosecution. The applicant is ready and willing to settle the dispute and undertakes to return the remaining amount to the informant within a period of three months from the date of his release on bail. It is also submitted that, except for the

present case, the applicant has criminal history of one other case, the details whereof have been duly explained in paragraph no. 16 of the instant bail application. The applicant has been languishing in jail since 12.11.2025, i.e., for more than nine months. It is further submitted that the applicant undertakes that, in the event of being enlarged on bail, he shall not misuse the liberty of bail and shall cooperate with the trial proceedings. It has also been pointed out that, in view of the heavy pendency of cases before the Court, there is no likelihood of the trial being concluded in the near future.

The prayer for bail has been vehemently opposed by learned A.G.A. as well as learned counsel for the informant.

Considering the facts and circumstances of the case, perusing the record, evidence and also considering the nature of allegations, arguments advanced by the learned counsel for the parties, this Court is of the view that the applicant is entitled to be enlarged on bail during the pendency of the trial.

Accordingly, without expressing any opinion on the merits of the case, the instant bail application is **allowed**.

Let applicant, **Danish Ahmad** be released on bail in the aforesaid case on his executing a personal bond and furnishing two sureties each in the like amount to the satisfaction of the court concerned subject to the following conditions:-

- (i). The applicant will not tamper with the evidence during the trial.
- (ii). The applicant will not pressurize/ intimidate the prosecution witness.
- (iii). The applicant will appear before the trial court on the date fixed, unless personal presence is exempted.
- (iv). The applicant shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected.
- (v). 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.

It is further directed that the identity, status and residence proof of the sureties be verified by the authorities concerned before they are accepted.

In case of breach of any of the above conditions, the trial court will be at

liberty to cancel the bail.

It is clarified that the observations made herein are limited to the facts brought in by the parties pertaining to the disposal of bail application and the said observations shall have no bearing on the merits of the case during trial.

August 25, 2026
KK Patel

(Jai Prakash Tiwari,J.)