



2026:AHC-LKO:40887

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

CRIMINAL MISC. BAIL APPLICATION No. - 5292 of 2025

Shambhu Kumar Yadav And Another

.....Applicant(s)

Versus

State Of U.P. Thru. Prin . Secy. Home Lko.

.....Opposite
Party(s)

Counsel for Applicant(s) : Vishun Narain, Ravindra Shukla,
Sushant Kumar Kabir

Counsel for Opposite Party(s) : G.A.

Court No. - 11

HON'BLE RAJEEV SINGH, J.

1. Heard learned counsel for the applicants as well as learned A.G.A. for the State of U.P. and perused the record.

2. The instant bail application has been filed on behalf of the applicants with a prayer to enlarge them on bail in Case Crime No. 318 of 2024 under Sections 8/20/23(b) of N.D.P.S. Act, Police Station- Gauriganj, District- Amethi.

3. Learned counsel for the applicants submits that the applicants are innocent person and they are in jail since 17.09.2024. He further submits that co-accused - Chhavinath Prasad Gupta, having identical role, has already been granted bail by this Court, vide order dated 08.05.2026 passed in Criminal Misc. Bail Application No. 12534 of 2024. He also submits that only Rs. 120/- were recovered from the possession of the applicants and one quintal and 10 kgs of ganja has been recovered from the joint possession of the three accused. In these circumstances, the applicants are also entitled for bail. In case of being enlarged on bail, they will not misuse the liberty of bail.

4. Learned A.G.A. has opposed the prayer of the applicants for grant of bail, but he conceded the fact that co-accused - Chhavinath Prasad Gupta has already been granted bail by this Court.

5. Considering the rival submissions of learned counsel for parties,

material available on record, contents of the F.I.R., other relevant documents, bail order of the co-accused - Chhavinath Prasad Gupta placed before this Court by learned counsel for the applicants (which is taken on record), ground of parity as well as totality of fact and circumstances, I am of the view that the applicants are entitled to be released on bail.

6. The bail application is ***allowed***.

7. Let applicants - **Shambhu Kumar Yadav and Imran Shah** be released on bail in aforesaid Case Crime, on their furnishing personal bond and two reliable sureties each of the like amount to the satisfaction of the court concerned subject to following conditions:-

(i) The applicants shall not commit or participate in any offence similar to the offence of which they are accused, or suspected, of the commission of which they are suspected.

(ii) The applicants 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.

(iii) The applicants shall file an undertaking to the effect that they shall not seek any adjournment on the date fixed for evidence when the witnesses are present in Court. In case of default of this condition, it shall be open for the Trial Court to treat it as abuse of liberty of bail and pass orders in accordance with law.

(iv) The applicants shall remain present before the Trial Court on each date fixed, either personally or through their counsel. In case of their absence, without sufficient cause, the Trial Court may proceed against them under Section 229-A IPC/269 BNS.

(v) In case, the applicants misuse the liberty of bail during trial and in order to secure his presence proclamation under Section 82 Cr.P.C./84 B.N.S.S., may be issued and if applicants fail to appear before the Court on the date fixed in such proclamation, then, the Trial Court shall initiate proceedings against them, in accordance with

law, under Section 174-A IPC/209 BNS.

(vi) The applicants shall remain present, in person, before the Trial Court on dates fixed for (1) opening of the case, (2) framing of charge and (3) recording of statement under Section 313 Cr.P.C./351 B.N.S.S. If in the opinion of the Trial Court absence of the applicants is deliberate or without sufficient cause, then it shall be open for the Trial Court to treat such default as abuse of liberty of bail and proceed against them in accordance with law.

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

(Rajeev Singh,J.)

June 11, 2026

Arpan