



2026:AHC:5236

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 36036 of 2025

Om Prakash

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Santosh Kumar Singh, Vikash Pathak
Counsel for Opposite Party(s) : G.A.

Court No. - 68

HON'BLE ASHUTOSH SRIVASTAVA, J.

1. Heard learned counsel for the applicant, Sri Rajesh Kumar Singh, learned AGA for the State-opposite party and perused the record.

2. This bail application under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 has been moved on behalf of accused-applicant seeking enlargement on bail in Case Crime No. 626 of 2025, under Sections 318(4), 319(2), 336(3), 338, 340(2) of B.N.S. and under Section 60(A), 60, 63, 72 of Excise Act, Police Station Kotwali, District Mainpuri.

3. Learned counsel for the applicant argued that the accused-applicant is innocent. He has been falsely implicated in this very case crime number and is languishing in jail since 29.8.2025. No offence as alleged in the FIR has been made out against the applicant. Criminal history of two cases have been explained in paragraph 15 of the affidavit filed in support of bail application. Learned counsel for the applicant further submits that similarly circumstanced co-accused Amit @ Tillu has already been enlarged on bail by this Court on 19.12.2025 in Criminal Misc. Bail Application No. 40110 of 2025. There is no likelihood of his fleeing from course of justice or tampering with evidence in case of release on bail. Hence, bail has been prayed for.

4. Per contra, learned AGA has vehemently opposed, but could not dispute the fact that co-accused has already been enlarged on bail. Charge sheet has been filed in this case.

5. Considering all those facts and circumstances, the nature of accusations, severity of the punishment in the case of conviction and nature of supporting evidence, reasonable apprehension of tampering with the witness and prima facie case, but without commenting on merit of case, a case for bail is made out.

6. Accordingly, the bail application is ***allowed***.

7. Let the ***accused-applicant Om Prakash***, involved in above mentioned case crime number be released on bail, on his executing a personal bond and two reliable 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.

ii. The applicant will not indulge in any criminal activity.

iii. The applicant will not pressurize/intimidate the prosecution witnesses and co-operate in the trial.

iv. The applicant will appear regularly on each and every date fixed by the trial court, unless his personal appearance is exempted through counsel by the court concerned.

9. In the event of breach of any of the aforesaid conditions, the court below will be at liberty to proceed to cancel his bail.

(Ashutosh Srivastava,J.)

January 7, 2026

P.P.