



2026:AHC:62712

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 7137 of 2026

Hifajurrahman @ Hasnan

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	: Rajesh Dutta Pandey, Vikas Srivastava
Counsel for Opposite Party(s)	: G.A.

Court No. - 64

HON'BLE VIVEK VARMA, J.

1. Heard learned counsel for the applicant and Sri N.K.Sharma, learned AGA for the State-respondent.
2. The present bail application has been filed with a prayer to enlarge the applicant on bail in Case Crime No. 900 of 2025, under Sections 305(e), 317(2), 111(1), 318(4), 338, 336(3), 340(2), 61(2) B.N.S., Police Station- Civil Lines, District- Moradabad during pendency of the trial.
3. Counsel for the applicant submits that the applicant was not named in the first information report. On the basis of information furnished by an informer, the applicant was arrested along with six co-accused and has been falsely implicated in the present case. False recovery of a country made pistol, four live cartridges, two adhar cards, a mobile phone and Rs. 2,000/- has been shown from the possession of the applicant. There is no independent witness to the alleged recovery. The CCTV footage does not connect the applicant with the offence. At this stage, there is no corroborative evidence to link the applicant with the offence. It is next contended that the applicant is neither a member of any organized crime syndicate nor he acted on behalf of such syndicate. The criminal history of the applicant has been explained in para 11 of the bail application and para 2 of the supplementary affidavit. The applicant is in jail since 09.12.2025. In case he is enlarged on bail, he will not misuse the said liberty.
4. Learned AGA has opposed the prayer for bail. He submits that the applicant has criminal antecedents.

5. Having heard counsel for the parties and having perused the record, this Court prima facie finds that the applicant was not named in the first information report. There is no independent witness to the alleged recovery. The CCTV footage does not connect the applicant with the offence. At this stage, there is no corroborative evidence to link the applicant with the offence.

6. In so far as criminal antecedents of the applicant is concerned, it is not the case of the State that applicant might tamper with or otherwise adversely influence the investigation, or that he might intimidate witnesses before or during the trial. The State has also not placed any material that applicant in past attempted to evade the process of law. In the opinion of this Court if the accused is otherwise found to be entitled to bail, he cannot be denied bail only on the ground of criminal history, no exceptional circumstances on the basis of criminal antecedents have been shown to deny bail to accused, hence, the Court does not feel it proper to deny bail to the applicant just on the ground that he had criminal antecedent.

7. In **Ash Mohammad Vs. Shiv Raj Singh, (2012) 9 SCC 446**, the Apex Court in para 30 has observed:-

"We may hasten to add that when we state that the accused is a history-sheeter we may not be understood to have said that a history-sheeter is never entitled to bail. But, it is a significant factor to be taken note of regard being had to the nature of crime in respect of which he has been booked."

8. In the case of **Prabhakar Tewari Vs. State of U.P. and another, 2020 (11) SCC 648**, the Hon'ble Supreme Court has observed that pendency of several criminal cases against an accused may itself cannot be a basis for refusal of bail.

9. Further, the applicant has remained confined for more than three months and there is no hope of early conclusion of trial and without commenting on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

10. Let the applicant **Hifajurrahman @ Hasnan**, involved in the aforesaid case be released on bail on his furnishing a personal bond and two heavy sureties (in view of criminal history) each in the like amount to the satisfaction of the court concerned subject to the conditions that he:

- (i) shall appear on the date fixed by the trial court;
- (ii) shall not tamper with the prosecution evidence;
- (iii) shall not pressurize the prosecution witnesses; and,
- (iv) shall appear on first Sunday of every month at the Police Station concerned.

11. In case of breach of any of the above conditions, the prosecution shall be at liberty to move bail cancellation application before this Court.

March 25, 2026

Lbm/-

(Vivek Varma,J.)