



2026:AHC:127138

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 19739 of 2026

Amit Kumar And Another

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s) : Priya Dubey, Ravi Jha, Sharadey
Mishra

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

Court No. - 45

HON'BLE VIVEK KUMAR SINGH, J.

1. Heard learned counsel for the applicants and the learned A.G.A. for the State of U.P.

2. The instant bail application has been filed seeking release of the applicant on bail in Case Crime No. 95 of 2026, under Section 325 BNS and Section 3/5A/5B/8 of U.P. Prevention of Cow Slaughter Act, Police Station Bhawarkol, District Ghazipur.

3. Learned counsel for the applicants submits that the applicants are innocent and have been falsely implicated in the present case. No beef was recovered from the possession of the applicants or pointing out of the applicants. No weapon to slaughter the cow was recovered from the vehicle. The applicants are truck drivers and they have nothing to do in the alleged offence. They have valid driving license to ply the truck. 22 alive bovines cows and two dead cows were recovered from two trucks. Learned counsel for applicants further submits that applicants have been languishing in jail since 29.4.2026 and in case, they are released on bail, they will not misuse the liberty of bail and will cooperate in trial.

4. Per contra, learned A.G.A. has opposed the prayer for grant of bail to the applicants and submitted that there is ample evidence against the applicants regarding his involvement in the offence, therefore, they are not entitled to be released on bail.

5. I have considered the rival submissions of the parties and perused the record.

6. No weapon of slaughtering was recovered from the possession of the applicants. The offence in question is not punishable with death penalty or imprisonment for life.

7. Having considered the rival submissions advanced by learned counsel for the parties, the nature of accusations, the evidence brought on record, the period of incarceration undergone by the applicant, and without expressing any opinion on the merits of the case, this Court finds that the applicant has made out a case for grant of bail.

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

9. Let the applicants-**Amit Kumar and Akshay Nehra**, who are involved in the aforementioned case crime be released on bail on their furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned subject to following conditions. Further, before issuing the release order, the sureties be verified.

(i) 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.

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

(iii) 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 him, in accordance with law, under Section 174-A IPC/ 209 B.N.S.

(iv) 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 of B.N.S.S. If in the opinion of the Trial Court absence of the applicant 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 him in accordance with law.

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

11. It is made clear that observations made in granting bail to the applicants shall not in any way affect the learned trial Judge in forming his independent opinion based on the testimony of the witnesses.

(Vivek Kumar Singh,J.)

June 15, 2026
Lalit Shukla