



2026:AHC:129209

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 14812 of 2026

Ashish Kumar

.....Applicant(s)

Versus

Union Of India Thru Intelligence Officer

.....Opposite
Party(s)

Counsel for Applicant(s) : Aryan Srivastava, Sameer Srivastava,
Sr. Advocate

Counsel for Opposite Party(s) : Dhananjay Awasthi

Court No. - 71

HON'BLE VIVEK KUMAR SINGH, J.

1. Heard Shri P.C. Srivastava, learned Senior Counsel assisted by Shri Aryan Srivastava, learned counsel for the applicant and learned counsel appearing for Union of India.

2. The instant bail application has been filed seeking release of the applicant on bail in connection with DRI Gorakhpur Case No.01 of 2026, under Section 135(1) (a) of the Customs Act, 1962, Police Station Directorate of Revenue Intelligence, Gorakhpur Sub-Regional Unit UP, FIR dated 06.01.2026.

3. Learned counsel for the applicant contended that the applicant has been falsely implicated in the present case. It is contended that total quantity of 799 gms of Gold was allegedly recovered from the possession of the applicant; the said Gold has been assessed by the Departmental Authority and on that basis the value of the alleged recovery has been calculated to be approximately Rs.1,12,25,950/-. It is further contended that maximum punishment under Section 135(1) (a) of the Customs Act, 1962, is imprisonment upto 7 years, if the value of Gold exceed Rs.1,00,00,000/-. It is further contended that Gold, allegedly recovered from the possession of the applicant, has already been seized by the Department. It is next contended that valuation of the Gold has been wrongly assessed by the Department; in fact the value of Gold, allegedly recovered from the possession of the applicant, is below Rs.1,00,00,000/-. Therefore, the alleged offence against the applicant is a bailable offence in view of Section

135(1)(e)(i) of the Customs Act, 1962. The criminal history of the applicant has been well explained in rejoinder affidavit. Learned counsel for applicant further submits that applicant has been languishing in jail since 07.01.2026 and in case, he is released on bail, he will not misuse the liberty of bail and will cooperate in trial.

4. Per contra, learned counsel appearing for Union of India has opposed the prayer for grant of bail to the applicant and submitted that there is ample evidence against the applicant regarding his involvement in the offence, therefore, he is not entitled to be released on bail.

5. 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, explanation of criminal antecedents, 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.

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

7. Let the applicant- **Ashish Kumar**, who is involved in the aforementioned case crime be released on bail on his 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 applicant shall file an undertaking to the effect that he 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 applicant 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 applicant misuses 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 applicant fails 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 applicant 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.

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

9. It is made clear that observations made in granting bail to the applicant 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 25, 2026
Nitendra