



2026:AHC:129369

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 21500 of 2026

Arun Kumar

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Shubham Dwivedi
Counsel for Opposite Party(s)	:	G.A.

Court No. - 67

HON'BLE SAMEER JAIN, J.

1. Heard Sri Shubham Dwivedi, learned counsel for the applicant and Sri Shatrughan Yadav, learned AGA for the State.
2. The instant bail application has been filed seeking release of the applicant on bail in Case Crime No. 08 of 2026, under Sections 7/12 P.C. Act, Police Station Anti Corruption Bareilly, District Bareilly during pendency of the trial.
3. Learned counsel for the applicant submits, applicant is innocent and on the basis of false allegation he has been made accused in the present matter. He further submits that, however, as per allegation from the possession of the applicant alleged bribe money of Rs. 10,000/- was recovered but admittedly he did not make any demand of bribe and demand of bribe was made by co-accused Nischya Singh.
4. He next submits even as per the prosecution applicant received the alleged bribe money from the complainant on the instruction of co-accused Nischya Singh who made demand of bribe.
5. He next submits, actually applicant was not aware that the money which he was receiving was the bribe money. He went to meet the co-accused Nishchya Singh and when he arrived there then co-accused Nischya Singh told him that he may receive money on his behalf from the complainant and however applicant was not ready for the same but in the mean time the trap team apprehended the applicant also along with co-accused Nischya Singh

and alleged bribe money was shown to be recovered from his possession.

6. He next submits as applicant did not make any demand of bribe, therefore, he cannot be held liable for offence punishable under Section 7 of Prevention of Corruption Act.

7. He further argued applicant is not having any criminal history and in the present matter he is in jail since 21.4.2026 i.e. for last more than two months.

8. Per contra, learned AGA opposed the prayer for bail and submits from the possession of the applicant bribe money of Rs. 10,000/- were recovered but could not dispute the fact that co-accused Nischya Singh was the person who made demand of bribe. He also could not dispute the fact that the applicant is not having any criminal history and he is in jail since last more than two months.

9. I have heard learned counsel for the parties and perused the record of the case.

10. However, as per allegation applicant is public servant and he received bribe money from the complainant and even alleged bribe money was also recovered from his possession but admittedly applicant never made any demand of bribe from the complainant and demand of bribe was made by co-accused Nischya Singh and even as per the prosecution he received the bribe money from the complainant on the instruction of co-accused Nischya Singh.

11. Considering above fact, this Court finds merit in the argument advanced by learned counsel for the applicant that at this stage, prima facie offence under Section 7 Prevention of Corruption Act is not made out against the applicant, specially considering the law laid down by the Constitution Bench of the Apex Court in case of **Niraj Datta Vs. State (Government of NCT of Delhi) (2023) 4 SCC 731**.

12. Further applicant is not having any criminal history and he is in jail in the present matter since 21.4.2026 i.e. last more than two months.

13. Further, law is settled that unless proven guilty an accused is deemed to

be innocent and bail application should not be dismissed either for punitive or preventive purpose.

14. Therefore, considering the facts and circumstances of the case discussed above, in my view, applicant is entitled to be released on bail.

15. Accordingly, without expressing any opinion on the merits of the case, the instant bail application is allowed.

16. Let the applicant - **Arun Kumar** be released on bail in the aforesaid case on furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned with the following conditions:-

(i) The applicant shall appear before the trial court on the dates fixed, unless his personal presence is exempted.

(ii) The applicant shall not directly or indirectly, make 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 any police officer or tamper with the evidence.

(iii) The applicant shall not indulge in any criminal and anti-social activity.

17. In case of breach of any of the above condition, the prosecution will be at liberty to move an application before this Court for cancellation of the bail of the applicant.

18. It is clarified that the observations made herein are limited to the facts brought in by the parties pertaining to the disposal of bail application and the said observations shall have no bearing on the merits of the case during trial.

(Sameer Jain,J.)

June 24, 2026
Kumar Manish