



2026:AHC:128043

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 18273 of 2026

Mohammad Hafiz

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Suvansit Kumar Jaiswal
Counsel for Opposite Party(s)	:	G.A.

Court No. - 48

HON'BLE LAKSHMI KANT SHUKLA, J.

1. Heard Shri Suvansit Kumar Jaiswal, learned counsel for the applicant, learned A.G.A. for the State and perused the record.
2. The instant bail application has been filed with a prayer to release the applicant on bail in Case Crime No. 299 of 2025, under Section 318(4), 336(3), 338, 340(2), 61(2) B.N.S., Police Station- Kotwali Nagar, District- Muzaffarnagar, during the pendency of the trial.
3. As per the prosecution story, an FIR was lodged by S.I. Indrajeet Singh stating that a police informer informed the police while they were present at Vishwakarma Chowk that certain persons were involved in obtaining Aadhaar and PAN cards from innocent persons and were using the same for creating fake GST firms. It is further alleged that on the basis of such fake firms, they were cheating innocent persons. It is also alleged that the accused persons were engaged in preparing fake bills and e-way bills, thereby causing revenue loss to the government and illegally gaining profits for themselves.
4. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the present case. He is not named in the FIR, and his name surfaced only on the basis of the confessional statement of a co-accused. It is further submitted that the applicant has no concern with co-accused Saleem, who was named in the FIR. During the course of investigation, no evidence has been collected to establish the applicant's association with co-accused Saleem. Learned counsel further submits that co-accused Monis Ali and Afjal has already been granted bail by a co-

ordinate Bench of this Court, and the applicant claims parity on the ground that his role is similar to that of the co-accused who has been enlarged on bail. The applicant is a law-abiding citizen and is languishing in jail since 31.01.2026. In case he is granted bail, he will not misuse the liberty of bail and would cooperate in the trial proceedings.

5. Per contra, learned Additional Government Advocate opposed the bail prayer of the applicant but could not dislodge the above mentioned factual submissions of learned counsel for applicant.

6. Considering the entire facts and circumstances of the case, submissions of learned counsel for the parties and also keeping in view the nature of offence, evidence, complicity of the accused and also taking into account overcrowded jails and heavy pendency of criminal cases before the trial courts as well as considering the mandate of the judgement of the Apex Court in the case of ***Kapil Wadhawan vs Central Bureau of Investigation reported in 2025 SCC OnLine SC 3038*** as well as guideline of this Court in the case of ***Maya Tiwari Vs. State of U.P., 2024 SCC Online All 6765*** regarding grant of bail and without expressing any opinion on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail. Accordingly, the present application is allowed.

7. Let the applicant- **Mohammad Hafiz**, involved in the aforementioned 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, with the following conditions:-

- i. The applicant shall not directly or indirectly make any 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 to any police officer or tamper with the evidence.
- ii. The applicant shall cooperate in the trial/investigation sincerely without seeking any adjournment.
- iii. The applicant shall not indulge in any criminal activity or commission of any crime after being released on bail.
- iv. The applicant shall attend in accordance with the conditions of the bond executed by her.

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

9. Identity, status and residence proof of the applicant and sureties be verified by the court concerned before the bonds are accepted.

10. Verification of mobile number and Aadhaar card of the applicant as well as sureties should be verified by the court concerned.

11. It is further directed that the trial court shall send the release order to the concerned jail through Bail Order Management System (BOMS) to ensure early release of the applicant.

(Lakshmi Kant Shukla,J.)

June 18, 2026
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