2026:AHC:98628

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 482 BNSS No. - 4179 of 2026

Madan Harijan

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Dhiraj Kumar Pandey
Counsel for Opposite Party(s)	:	G.A.

Court No. - 71

HON'BLE AVNISH SAXENA, J.

1. Heard Sri Dhiraj Kumar Pandey, learned counsel for the applicant and Learned AGA for the State.

2. The present anticipatory bail application under Section 482 of BNSS has been filed by the applicant with a prayer to release him on anticipatory bail in Case Crime No. 246 of 2025, under Sections 8/20/29/60/61 Narcotic Drugs and Psychotropic Substances Act, 1985, P.S. Mawana, District Meerut during pendency of the trial.

3. It is contended by learned counsel for the applicant that the accused/applicant has falsely been implicated during the investigation by the police. The FIR is lodged on 17.06.2025 by the police, when a truck and a car were apprehended by the police party. The truck was carrying 124 Kgs. Ganja .Accused-Wajid and Kapil were in truck, whereas the co-accused Gaurav Rathi and Arvind Kumar were in the car as per the prosecution case. It is in the statement of co-accused that the name of fifth accused Dinesh is figured out and entered in the FIR. In the investigation none of the co-accused have named the accused/applicant. The police found that there is transaction of Rs. 30,000/- from the account of which Gaurav Rathi an accused to the accused/applicant. It is the contention of learned counsel that the accused/applicant is car mechanic and the amount has been credited to the account of applicant from Gaurav Rathi for the purpose of car repair. The accused/applicant is apprehending arrest. He has no criminal history. He wants to cooperate in the investigation.

Hence, seeks anticipatory bail.

4. Per contra learned A.G.A. has opposed the prayer for bail of the applicant.

5. The scope of ambit of anticipatory bail is encapsulated in three insightful judgments of Hon'ble Supreme Court right from **Gurubaksh Singh Sibbia Vs. State of Punjab** reported in **(1980) 2 SCC 565**, **Siddharam Satlingappa Mhetre Vs. State of Maharashtra** reported in **(2011) 1 SCC 694** and **Sushila Aggarwal and others Vs. State (NCT of Delhi) and another** reported in **(2020) 5 SCC 1**, wherein it is consistently held by Hon'ble Apex Court that while granting anticipatory bail, the Court should considering the application of the applicant to evaluate the threat or apprehension of arrest vis-a-vis the nature and gravity of accusation, criminal antecedent of the accused, false or exaggerated implication, need of custodial interrogation, willingness of the accused to cooperate in investigation and trial and the conduct of the accused and flight risk.

6. Considering the role of accused/applicant. Further this Court, while considering the gravity of accusation and apprehension of arrest in the case vis-a-vis low flight risk and assurance of the accused in cooperating with the investigation and trial, is of considered view to grant anticipatory bail.

7. The **applicant-Madan Harijan** involved in the aforesaid case crime shall appear before the trial court or the Investigating Officer as the case may be within **thirty days** from the date of this order and shall be released on bail on furnishing a personal bond of Rs. 25,000/- with two sureties each in the like amount to the satisfaction of the court concerned with 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 not pressurize/intimidate the prosecution witnesses.

(iii) The applicant shall remain present, in person, before the trial court on the dates fixed for (i) opening of the case, (ii) framing of charge and (iii) recording of statement under Section 351 of BNSS.

(iv) The applicant shall file an undertaking to the effect that he/she shall not seek any adjournment on the dates fixed for evidence when the witnesses are present in the trial court.

(v) The applicant shall remain present before the trial court on each date fixed, either personally or through his counsel.

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

9. It is clarified that anything said in this order is limited to the purpose of determination of this bail application and will in no way be construed as an expression on the merits of the case. The trial court shall be absolutely free to arrive at its independent conclusions on the basis of evidence led unaffected by anything said in this order.

10. **The below mentioned directions shall be complied with for expeditious disposal of trial, in case charge sheet is submitted against accused/applicant :-**

10.1 As the investigation is continuing, in the event charge sheet is submitted and cognizance is taken, it would be the duty of the accused/applicant to appear before the trial court or Magistrate concerned as the case may be without waiting for the issuance of summons, within 60 days from the date of cognizance or on the date fixed, which ever is earlier. So that the trial may not be delayed for non execution of summons or processes.

10.2 The District Judge concerned shall direct each Magistrate and Special courts to maintain a register of Anticipatory Bail orders granted by this Court, wherein the details of Anticipatory Bail shall be entered. The dedicated official shall be nominated in each Special court and Magistrate court for maintaining the register.

10.3 The accused/applicant shall provide a copy of the final order of anticipatory bail within 30 days, to the official concerned in whose

jurisdiction the case lies and shall provide his complete contact details including the mobile number and E-mail ID (if maintained); any change in detail shall be informed by the applicant.

10.4 On the submission of charge sheet and cognizance taken, the Presiding Officer shall fetch the details of the accused/applicant and the dedicated official shall inform the accused at the given detail.

(Avnish Saxena,J.)

April 30, 2026
Abhishek Sri.

Digitally signed by :-
ABHISHEK RANJAN SRIVASTAVA
High Court of Judicature at Allahabad