



2025:AHC:175102

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 24507 of 2025

Mohd Shahid

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Himanshu Mishra
Counsel for Opposite Party(s)	:	G.A.

Court No. - 67

HON'BLE KRISHAN PAHAL, J.

1. List has been revised. Supplementary affidavit filed today by the learned counsel for the applicant is taken on record.
2. Heard Sri Himanshu Mishra, learned counsel for the applicant and Sri Sunil Kumar, learned A.G.A. for the State and perused the record.
3. This is the second bail application filed on behalf of the applicant seeking bail in **Case Crime No. 213 of 2023, under Section 420 of I.P.C. and Sections 8/21C/29/60 of NDPS Act, Police Station - Mant, District - Mathura**, during the pendency of trial.
4. The first bail application of the applicant was rejected by the coordinate Bench of this Court vide order dated 10.12.2024 passed in C.M.B.A. No. 50666 of 2023. As per the order-sheet, the instant case is listed before this Court under the order of Hon'ble the Chief Justice dated 01.09.2025.
4. It is submitted by learned counsel for the applicant that in all four persons including the applicant have been arrested by the police along with 50.496 kilograms of charas on 13.09.2023. The other co-accused persons, Nooralam and Noor Ahmad, have already been enlarged on bail by coordinate Bench of this Court vide order dated 9.4.2025 passed in Criminal Misc. Bail Application No. 13404 of 2024 and 9182 of 2024, respectively. It is further submitted that since the case of the applicant is at par to the case of co-accused persons, who have already been enlarged on bail, he is also entitled to be enlarged on bail on the ground of parity.
5. Learned counsel has also stated that the applicant has no previous criminal history except a case under Gangster Act foisted upon him subsequently and he has applied for bail in the said case. The applicant is languishing in jail since 14.09.2023. In case, the applicant is released on bail, he will not misuse the liberty of bail and shall cooperate with trial.
6. The prayer for bail has been vehemently opposed by learned A.G.A..

However, the aforesaid factual aspects of parity to the co-accused and of no previous criminal history of the applicant, have not been disputed by him.

7. In the case of **Prabhakar Tewari Vs. State of U.P. and another, (2020) 11 SCC 648**, the Supreme Court has observed that pendency of several criminal cases against an accused by itself cannot be a basis for refusal of bail.

8. The Supreme Court while granting bail to former Tamil Nadu Minister in **V. Senthil Balaji v. Enforcement Directorate, 2024 SCC OnLine SC 2626** held that higher thresholds for granting bail in stringent penal statutes like the PMLA, UAPA, and NDPS Act cannot be a tool to keep an accused incarcerated without trial. It emphasized the incompatibility of stringent bail provisions with prolonged delays in trial.

9. While granting bail to ex-West Bengal Minister in **Partha Chatterjee v. Enforcement Directorate, 2024 SCC OnLine SC 3729**, the Supreme Court reiterated the principle that "a suspect cannot be held in custody indefinitely and that undertrial incarceration should not amount to punitive detention."

"The Court would, nevertheless, ensure that affluent or influential accused do not obstruct the ongoing investigation, tamper with evidence, or influence witnesses, namely, actions that undermine the fundamental doctrine of a fair trial," observed the bench.

10. The Supreme Court in the case of **Union of India vs. K.A. Najeeb, AIR 2021 SC 712**, has observed as under:-

"We are conscious of the fact that the charges levelled against the respondent are grave and a serious threat to societal harmony. Had it been a case at the threshold, we would have outrightly turned down the respondent's prayer. However, keeping in mind the length of the period spent by him in custody and the unlikelihood of the trial being completed anytime soon, the High Court appears to have been left with no other option except to grant bail."

11. Considering the facts and circumstances of the case, submissions made by learned counsel for the parties, evidence on record, pending trial and also considering the bail order of co-accused, without expressing any opinion on the merits of the case, the Court is of the view that the applicant is entitled to be released on bail. The bail application is **allowed** on the ground of parity.

12. Let the applicant- **Mohd Shahid**, who is involved in 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 will not tamper with the evidence during trial.
- ii) The applicant will not pressurise/intimidate with the prosecution witnesses.
- iii) The applicant will appear before the trial court on the date fixed.

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

14. 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.

September 26, 2025
Siddhant

(Krishan Pahal,J.)