



2025:AHC:175653

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 29617 of 2025

Satyendra Nath

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Tipu Sultan, Vinai Shanker Singh
Counsel for Opposite Party(s)	:	G.A.

Court No. - 82

HON'BLE SAMEER JAIN, J.

1. Heard Sri Vinai Shanker Singh, learned counsel for the applicant and Sri Jhamman Ram, learned AGA for the State-respondent.
2. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 14 of 2025, under Section 7 Prevention of Corruption Act, Police Station- Anti Corruption, Varanasi District- Varanasi during pendency of the trial in the court below.
3. Learned counsel for the applicant submitted that applicant was Mandi Inspector and as per allegation, to issue license, he made demand of bribe from the complainant and thereafter he was apprehended red handed by the trap team while he was receiving bribe money of Rs. 22,000/- from him but entire allegation levelled against the applicant is totally false.
4. He further submitted that even being Mandi Inspector, applicant was not authorized to issue license and this authority was vested with the Secretary and Chairman of Mandi Parishad, therefore, there was no occasion either for the applicant to make demand of bribe or for complainant to give bribe to him.
5. He further submitted that from the FIR, it reflects, as per prosecution, from the possession of applicant total 44 notes (each note of Rs. 500/-) were recovered and according to FIR, three notes having serial nos. 1DS287345, 0TE982874 and 9LM639546 were also recovered but as per FSL report, which has been filed by the State along with counter affidavit, it reflects, these serial number notes were not along with the recovered notes amounting to Rs. 22,000/- and this fact casts serious doubt on the entire trap proceeding.

6. He further submitted that even from the FIR, it reflects, after the alleged trap applicant has been taken to police station and at police station recovery memo was prepared and this fact also casts serious doubt on the entire trap proceeding.

7. He further submitted that investigation of the case has already been concluded and applicant is not having any criminal history and he is in jail since 22.07.2025 i.e. for last more than two months.

8. Per contra, learned AGA opposed the prayer for bail and submitted that applicant is dishonest public servant and he made demand of bribe from the complainant and thereafter he was apprehended red handed while he was receiving bribe from him but could not dispute the fact that as per complainant, applicant was asking for money to issue license to the complainant but being Mandi Inspector, he was not authorized to issue license to him.

9. He further could not dispute the fact that there is mismatch in the serial number of three notes mentioned in the recovery memo and details mentioned in the FSL report, which were allegedly recovered from the possession of applicant.

10. He further could not dispute the fact that after the alleged trap applicant has been taken to police station and at police station recovery memo was prepared. He further could not dispute the fact that investigation of the case has already been concluded, charge sheet has been filed and applicant is not having any criminal history and he is in jail for last more than two months.

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

12. From the record, it reflects, applicant was posted as Mandi Inspector and as per allegation, to issue license to the complainant, he made demand of bribe from him and thereafter he was apprehended red handed by the trap team but this Court finds merit in the argument advanced by learned counsel for the applicant that being Mandi Inspector, applicant was not authorized to issue license to the complainant, therefore, there was no occasion for the complainant to give bribe to him.

13. Further, there is mismatch in the serial number of three notes mentioned in the recovery memo and in the FSL report, which were allegedly recovered from the possession of applicant.

14. Further, record also suggests that after the alleged trap applicant has been

taken to police station and at police station recovery memo was prepared. Considering above facts, argument advanced by learned counsel for the applicant that these facts cast serious doubt on the entire trap proceeding, cannot be ruled out at this stage.

15. Further, investigation of the case has already been concluded and applicant is not having any criminal history and he is in jail since 22.07.2025 i.e. for last more than two months.

16. 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.

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

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

19. Let the applicant- **Satyendra Nath** 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.

20. 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.

21. 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.

September 26, 2025
KK Patel

(Sameer Jain,J.)