



2026:AHJ:58177

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 8959 of 2026

Vijay Bansal

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Harish Kumar, Sr. Advocate, Umesh
Chandra Shukla

Counsel for Opposite Party(s) : G.A.

Court No. - 66

(Sr. No.2 out of 116)

HON'BLE KRISHAN PAHAL, J.

1. List has been revised.

2. Heard Sri Amit Daga, learned Senior Counsel for applicant, Sri Sanjeev Singh, learned Additional Advocate General assisted by Sri Sunil Kumar, learned A.G.A. for the State and perused the material placed on record.

3. This is the second bail application on behalf of the applicant. The first one was rejected by this Court vide order dated 12.09.2025 passed in Criminal Misc. Bail Application No.12762 of 2025.

4. The present bail application has been filed by the applicant in Case Crime No.270 of 2024, under Sections 8/20, 25, 29, 60 of N.D.P.S. Act, Police Station Babina, District Jhansi with the prayer to enlarge him on bail.

5. Learned Senior Counsel for the applicant has stated that in the earlier order, the relevant part could not be brought before this Court. As per the statement of the owner of the vehicle, Ashish Kumar, the driver of the vehicle was Shadab Mansoori and the conductor was Sandeep, and not the applicant. The fact mentioned in the order that the applicant was the cleaner of the vehicle stands falsified. Even the person from whom the goods were loaded, namely Raman Patel, was examined. He has also not nominated the applicant; rather, he has stated that the driver was Shadab Mansoori.

6. Learned Senior Counsel for the applicant has further stated that even the

transporter, Manish Agrawal, has not nominated the applicant. Both of them have simply named the driver, Shadab Mansoori, in their statements. The applicant had boarded the said truck from Sagar, as he wanted to go to Jhansi, and Sagar falls en-route to Jhansi. The applicant is in jail since 18.07.2024 and is ready to cooperate with trial. In case, he is released on bail, he will not misuse the liberty of bail.

7. Learned Senior Counsel for the applicant has also stated that there is no compliance of **Rule 18 of the Uttar Pradesh Bharatiya Nagarik Suraksha Rules, 2024**, which reads as under:-

"Rule 18 of The Uttar Pradesh Bharatiya Nagarik Suraksha Rules, 2024.

Recording of search and seizure by audio-video electronic means.-

(1) The process of searching any person or place and taking possession of any property, article or material, including preparation of a list of all articles seized during the search and seizure and signature of witnesses on such list, shall mandatorily be done through E-Sakshya App specified by the Government of India or any other audio-video electronic means specified by the State Government, for which mobile phone or other audio-video electronic device of the police station or police officer on duty shall be used. The video-recording so made shall form part of the case diary. As far as possible, the latitude-longitude and time of recording shall also be recorded along with the video.

(2) The police officer shall, without delay, but not later than 48 hours, send a copy of the list of articles seized along with signatures of witnesses and video-recording of the search and seizure process to the Magistrate.

(3) An Inter-operable Criminal Justice System (ICJS) Nodal Officer for each district of the State shall be nominated by the Home Department, Government of Uttar Pradesh and authorized users for accessing the 'e-Sakshya Mobile Application' on the ICJS platform shall be created by Uttar Pradesh Technical Services, Headquarters, Police Station wise.

(4) The authorized users of the Police Station as above shall be able to download the e-Sakshya Mobile Application from the mSeva Mobile App Store and install the e-Sakshya Mobile App on the mobile phone allotted to them.

(5) The standard operating procedure for going live on the e-Sakshya Portal and uploading and downloading of evidence collected on it shall

be determined by the Director General of Police, Uttar Pradesh in coordination with NCRB."

8. Per contra, learned A.G.A. has vehemently opposed the bail application.

9. After hearing learned counsel for the parties and taking into consideration that the applicant was in conscious possession of a heavy quantity of contraband, i.e., 526.60 kg. of Ganja, which was recovered from the said truck, I do not find it a fit case for grant of bail to the applicant. The bail application is found devoid of merits and is, accordingly, ***rejected***.

10. However, it is directed that the aforesaid case pending before the trial court be decided expeditiously as early as possible in view of the principle as has been laid down in the recent judgments of the Supreme Court in the cases of ***Vinod Kumar vs. State of Punjab; 2015 (3) SCC 220*** and ***Hussain and Another vs. Union of India; (2017) 5 SCC 702***, if there is no legal impediment.

11. 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.

(Krishan Pahal,J.)

March 19, 2026
(Ravi Kant)