



2026:AHC:195333

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 33006 of 2026

Shivmangal

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Anil Kumar Srivastava, Rashid Ali
Counsel for Opposite Party(s) : G.A.

Court No. - 68
(Sl. No.45 out of 291)

HON'BLE KRISHAN PAHAL, J.

1. List has been revised.
2. Heard Sri Yathartha Srivastava, learned Advocate holding brief for Sri Rashid Ali, learned counsel for the applicant, Sri A.K. Mishra, learned A.G.A. for the State and perused the material placed on record.
3. Applicant seeks bail in Case Crime No. 0111 of 2026, under Sections 8/20/60 NDPS Act, Police Station Pannuganj, District Sonbhadra, during the pendency of trial.
4. Learned counsel for the applicant has argued that the applicant is absolutely innocent and has been falsely implicated in the present case. He is stated to be the person to whom the said contraband was destined to be supplied. He was not arrested on the spot. His name has come up in the confessional statement of the co-accused person, which has no evidentiary value in the eyes of law. The co-accused person, who was arrested on the spot has been granted bail, as such, applicant is also entitled for bail.
5. Learned counsel for the applicant has further argued that there is a criminal history of one case assigned to the applicant, which stands explained. The applicant is languishing in jail since 25.8.2026 and he is ready to cooperate with trial. In case, the applicant is released on bail, he will not misuse the liberty of bail.
6. Learned A.G.A. has vehemently opposed the bail application but the

submissions raised by the learned counsel for the applicant could not be disputed.

7. This Court is of the view that if a case for bail is otherwise made out, an accused cannot be kept incarcerated solely on account of his criminal antecedents. In the instant case, the criminal history assigned to the applicant has been properly explained.

8. Considering the facts and circumstances of the case, submissions made by learned counsel for the parties, the evidence on record, taking into consideration the fact that the name of applicant has come up in the confessional statement of the co-accused person, which has no evidentiary value in the eyes of law and that the co-accused person, who was arrested on the spot has already been enlarged on bail and without expressing any opinion on the merits of the case, *prima-facie* the Court is of the view that the applicant has made out a case for bail. The bail application is **allowed**.

9. Let the applicant- **Shivmangal**, 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 verification of sureties, with the condition that he shall not tamper with evidence or intimidate witnesses and shall appear before the trial court as required.

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

11. 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.

(Krishan Pahal,J.)

September 16, 2026

Shalini