2026:AHC:211610

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 27929 of 2026

Jaduveer @ Yaduveer Narayan @ Jaduveer Narayan Shukla @ Baba

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Rajeev Upadhyay
Counsel for Opposite Party(s)	:	G.A.

Court No. - 69

HON'BLE AVNISH SAXENA, J.

1. The case is nominated by Hon'ble The Chief Justice.

1A. Heard Sri Rajeev Upadhyay, learned counsel for accused applicant and learned A.G.A. for State.

2. The present bail application has been moved by the applicant accused-**Jaduveer @ Yaduveer Narayan @ Jaduveer Narayan Shukla @ Baba** to enlarge him on bail in Case Crime No. 684 of 2003, under Section 3(1) of U.P. Gangsters and Anti Social Activities (Prevention) Act, 1986, P.S.-Kotwali Fatehgarh, District- Farrukhabad, during the pendency of trial.

3. It is the contention of learned counsel for applicant that the matter pertains to provision of Gangsters Act invoked in the year 2003. The accused applicant has challenged the same before the writ court wherein, the arrest was stayed. When the accused applicant could not appear before the writ court, the writ petition was dismissed in default on 12.7.2006. There are five base cases including 28 cases of criminal history. In all the cases, he is no bail. He could procure the bail orders of 19 cases only. The accused applicant is 83 years of age and in jail since 29.6.2026 when he was arrested in compliance of processes issued. He seeks enlargement of accused on bail.

4. Learned A.G.A. for State opposed the bail application.

5. This Court has taken into consideration the rival submissions made by

learned counsel for the parties and perused the record.

6. Hon'ble The Supreme Court in the case of **Shiv Pratap Singh Alias Chinu Vs. State of U.P. & Ors** reported in **2026 SCC Online SC 1677** has considered the proceedings initiated under the Uttar Pradesh Gangsters and Anti-Social Activities (Prevention) Act, 1986 and the Uttar Pradesh Gangsters and Anti-Social Activities (Prevention) Rules, 2021 and found that the Act is still born and the proceedings initiated under it can not survive. Hence, if the proceedings under the Act can not survive in view of the dictum of Hon'ble The Supreme Court dealt herein above, the incarceration of accused/applicant under the provision of the Act has no legal basis.

7. Considered that the criminal history is explained and in the light of aforesaid judgment of Hon'ble the Supreme Court, the accused/applicant is entitled to be released on bail.

8.Hence, without touching merit of the case, the bail application is **allowed**.

9. The accused/applicant 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 court concerned in view of observation made by the Supreme Court in its dictums of **Girish Gandhi Vs. State of Uttar Pradesh [(2024) 10 SCC 674]** and Policy Strategy for grant of bail in re **[(2024)10SCC 685]**.

10. The accused-applicant shall cooperate in judicial process for fair and speedy disposal.

(Avnish Saxena,J.)

October 8, 2026
Krishna*

Digitally signed by :-
KRISHNA KUMAR
High Court of Judicature at Allahabad