2026:AHC:208379

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 34501 of 2026

Mo Ateek

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Abhishek Mayank
Counsel for Opposite Party(s)	:	G.A.

Court No. - 69

HON'BLE AVNISH SAXENA, J.

1. Heard Sri Abhishek Mayank and Sri Sadab Ahmad, learned counsel for accused applicant and learned A.G.A. for the State.

2. The present bail application has been moved by the applicant accused-**Mo Ateek** to enlarge him on bail in Case Crime No. 404 of 2026, under Sections 317(2), 336(2), 338, 340(2) of BNS, P.S.- Kokhraj, District-Kaushambi during the pendency of trial.

3. It is the contention of learned counsel for accused applicant that the accused applicant has been implicated in FIR dated 23.7.2026 lodged by the police against two persons including the accused applicant with the allegation that the accused applicant was driving a truck with forged number. It is further contended that the arrest and recovery has been made in absence of the independent witness. The police has planted the registration number plate of the truck owned by the accused applicant in another truck and arrested the accused. It is further contended that at the time of arrest and recovery, the truck, which was owned by the accused applicant was in custody of the police. There is nothing on record to show that how the number plate of the truck belonging to the accused applicant is found in the present truck. The seized truck is not connected to any other case. The investigation is continuing. He is co-operating in the investigation. The applicant has five cases criminal history, wherein, in one case, he is on jail and in four cases, he is on bail. The applicant is languishing in jail since 23.7.2026. He seeks enlargement of accused on

bail.

4. Learned A.G.A. has 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. Considering that the arrest and recovery has been made in absence of the independent witness and there is nothing on record to show that how the registration number plate of the truck, which is seized by the police and stationed at the police station is found on another truck, the accused applicant is entitled to be enlarged on bail.

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

8. 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].**

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

(Avnish Saxena,J.)

October 6, 2026
Krishna*

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