HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 35196 of 2026

Dharmendra Giri @ Devendra

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s) : Ajay Kumar Srivastava, Shivangi Bhargava

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

Court No. - 64

HON'BLE VIVEK VARMA, J.

1. Heard learned counsel for the applicant, Sri N.K. Sharma, learned A.G.A. for the State and perused the record.

2. The present bail application has been filed with a prayer to enlarge the applicant on bail in Case Crime No. 87 of 2026, under Sections 310(2), 317(3), 111 B.N.S., Police Station- Bhojipura, District- Bareilly during pendency of the trial.

3. Counsel for the applicant submits that the applicant was not named in the first information report. The applicant was arrested in Case Crime No. 0095 of 2026, under Sections 109 B.N.S. and 3/25/27 Arms Act, P.S. Bhojipura, District Bareilly and has been implicated in the present case. False recovery of Indian currency has been shown from the joint possession of the applicant and other accused. There is no independent witness to the alleged recovery. The recovered Indian currency does not link the applicant with any offence. Except the confession of the applicant in police custody, there is no corroborative evidence against the applicant. Further, the co-accused Asif has been granted bail by this court vide order dated 23.7.2026 passed in Criminal Misc. Bail Application No.20754 of 2026 (Asif vs. State of U.P.). The applicant is neither a member of any organized crime syndicate nor he acted on behalf of such syndicate. The criminal history of the applicant has been explained in para 15 of the bail application and in para 3 of the supplementary affidavit. The applicant is in jail since 1.5.2026. In case he is enlarged on bail, he will not misuse the said liberty.

4. Learned A.G.A. for the State opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions from the record.

5. Having heard counsel for the parties and having perused the record, this Court prima facie finds that the applicant was not named in the first information report. The name of the applicant surfaced during the course of investigation. There is no independent witness to the alleged recovery. The co-accused Asif has been granted bail by this court. Further the applicant has presently remained confined for more than five months and there is no hope of early conclusion of trial, more so when no reasonable apprehension has been brought to the fore by the State that the applicant, if enlarged on bail, would either tamper with the evidence or intimidate the witness, without commenting on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

6. Let the applicant, **Dharmendra Giri @ Devendra** involved in the aforesaid case be released on bail on his furnishing a personal bond and two **heavy** sureties each of the like amount to the satisfaction of court concerned on the following conditions that:

i. the applicant shall not tamper with the prosecution evidence;

ii. the applicant shall not pressurize the prosecution witness;

iii. the applicant shall appear on each and every date fixed by the trial court;

iv. the applicant shall mark his presence at the concerned police station on 2nd Sunday of every month between 11 a.m. to 2 p.m.

7. In case of breach of any of the above conditions, the prosecution shall be at liberty to move bail cancellation application before this Court.

(Vivek Varma,J.)

October 23, 2026
S.S.

Digitally signed by :-
SIDDHARTH SRIVASTAVA
High Court of Judicature at Allahabad