HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 36370 of 2026

Brajmohan Shivhare

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

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

Court No. - 66

HON'BLE ARUN KUMAR SINGH DESHWAL, J.

1. Heard Sri Sukrampal, learned counsel for the applicant, Sri Nitesh Kumar Srivastava, learned A.G.A. for the State and perused the record.

2. Instant bail application has been filed with a prayer to release the applicant on bail during the trial in Case Crime No.570 of 2025, under Sections (8/9v(a) / 21) / 27 (a) / 29 of Narcotic Drugs & Psychotropic Substances (N.D.P.S.) Act, Police Station -Mugalsarai, District- Chandauli.

3. Contention of learned counsel for the applicant is that the applicant was not named in the FIR. Subsequently during investigation, it was revealed on the basis of recovery of Eskuf Syrup having Batch No. PEKSL 138 from District Sonbhadra in a truck owned by the applicant, a Case Crime No.1054 of 2025 was registered at Police Station- Robertsganj. The aforesaid recovery of codeine based cough syrup was also in process of disposal through permission of concerned court as the same was originated from the police station of the present case, therefore for that reason only the applicant has been falsely implicated in the present case. It is further submitted that the applicant has already been released on bail by this Court in Case Crime No.1054 of 2025, Police Station Robertsganj, District Sonbhadra regarding recovery mentioned in the present case, in Criminal Misc. Bail Application No.44015 of 2025 vide order dated 01.09.2026. Therefore the applicant has been falsely implicated in the present case on the basis of recovery in which the applicant has already been released on bail. It is lastly submitted that charge sheet has been filed by the police, therefore, there is no requirement for custodial interrogation. The applicant has explained the criminal history

of two cases in the accompanying affidavit and he is languishing in jail since 18.10.2025. In case, he is granted bail, he will not misuse the liberty of bail and would cooperate in the trial proceedings.

4. On the other hand, learned A.G.A. for the State opposed the prayer for bail but could not dispute the aforesaid fact.

5. Considering the entire facts and circumstances of the case, submissions of learned counsel for the parties and taking into account the applicant has already been released on bail with regard to recovery from the truck owned by the applicant which is subject matter of the present case and keeping in view the nature of offence, evidence, complicity of accused and taking into account overcrowded jails and heavy pendency of criminal cases before the trial courts as well as considering the mandate of the judgement of the Apex Court in the case of **Kapil Wadhawan vs Central Bureau of Investigation** reported in **2025 SCC Online SC 3038** as well as guideline of this Court in the case of **Maya Tiwari vs State of U.P.** reported in **2024 SCC Online All 6765** regarding grant of bail and without expressing any opinion on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail. Accordingly, the present application is allowed.

6. Let the applicant- **Brajmohan Shivhare** involved in the aforementioned 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, with the following conditions:-

i. The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

ii. The applicant shall cooperate in the trial/investigation sincerely without seeking any adjournment.

iii. The applicant shall not indulge in any criminal activity or commission of any crime after being released on bail.

iv. The applicant shall attend in accordance with the conditions of the bond executed by him.

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

cancellation of bail.

8. Identity, status and residence proof of the applicant and sureties be verified by the court concerned before the bonds are accepted.

9. Verification of mobile number as well as Aadhaar Card of the applicant and sureties should also be conducted by the court concerned.

10. It is made clear that the applicant shall be released on the basis of downloaded copy of this order from the official website of High Court Allahabad and verified by the concerned counsel with the undertaking that the certified copy will be filed within 15 days.

11. It is directed that the trial court shall send the release order to the concerned jail through Bail Order Management System (BOMS) to ensure early release of the applicant.

12. Office is directed to send a copy of this order to the applicant through **Sonbhadra Jail Superintendent** via e-mail or e-prison portal and Trial Court via e-mode within 24 hours in compliance of the orders of the Apex Court in the case of **Policy Strategy for Grant of Bail, In Re: Suo Motu Writ Petition (Crl.) No. 4 of 2021** decided on **31.01.2023** reported in **(2024) 10 SCC 685** as well as in the case of **Pila Pahan @ Peela Pahan and others vs State of Jharkhand and another, in Writ Petition (Criminal) No.169 of 2025** decided on **29.05.2026**.

13. Application, if any, stands disposed of.

October 23, 2026
A.Kr.

(Arun Kumar Singh Deshwal,J.)

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