HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 36409 of 2026

Dinesh Kumar Yadav

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s) : Himanshu Kushawaha, Santosh Kumar Rai

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

Court No. - 66

HON'BLE ARUN KUMAR SINGH DESHWAL, J.

1. Heard Sri Santosh Kumar Rai, counsel for the applicant, Sri N.I. Srivastava, learned A.G.A. for the State and perused the record.

2. The instant bail application has been filed with a prayer to release the applicant on bail during trial in Case Crime No.570 of 2025, under Section 318(4), 338, 336(3), 340(2), 61(2)क of B.N.S. and Section 8/9(va), 21, 27(a), 29 of Narcotic Drugs & Psychotropic Substances Act, 1985, Police Station Mughalsarai, District Chandauli.

3. Counsel for the applicant submitted that the applicant was not named in the FIR, wherein the allegation has been made that one M/s. Singh Medicos, which is in the proprietorship of Nagendra Kumar Singh, had purchased 2,32,400 bottles of codeine based cough syrup from M/s. Vanya Enterprises Traders during the period 25.08.2025 to 14.10.2025; subsequently M/s. Singh Medicos was found to be non-working firm. It is further submitted that the name of the applicant surfaced during investigation in the statement of one Swapnil Keshari, who was an employee of M/s. Singh Medicos, wherein allegation made against the applicant, who was in the proprietorship of Dinesh Pharmaceutical Enterprises, Varanasi, is that he was involved in supply of codeine based cough syrup from a Syndicate led by Shubham Jaiswal, a pharmaceutical dealer; and it is the applicant who handed the money after receiving the same from Shubham Jaiswal to Swapnil Keshari, which was deposited by Shubham Jaiswal in the account of registered firms, and the applicant was given his commission of Rs.5 of per bottle of codeine

based cough syrup. It is further submitted that except the above confessional statement, there is no material against the applicant regarding illegal purchase, sell or transportation of the codeine based cough syrup. It is further submitted that co-accused Swapnil Keshari has already been released on bail by this Court in Criminal Misc. Bail Application No. 35625 of 2026 vide order dated 13.10.2026. Therefore, the applicant is also entitled to be released on bail on the ground of parity. It is further submitted that the applicant has explained the criminal history of five cases. It is further submitted that charge sheet has been filed in the present case, therefore, there is no requirement of custodial interrogation. The applicant is a law abiding citizen and he is languishing in jail since 27.12.2025. In case, he is granted bail, he will not misuse the liberty of bail and would cooperate in the trial proceedings.

4. Per contra, learned A.G.A. for the State has vehemently opposed the prayer for bail but could not dispute the aforesaid facts.

5. Considering the entire facts and circumstances of the case, submissions of learned counsel for the parties; taking into account that the applicant was not named in the FIR; the co-accused Swapnil Keshari has already been released on bail by this Court; coupled with the fact that there is no material showing involvement of the applicant in illegal sale, purchase or transportation of codeine based cough syrup; and keeping in view the nature of offence, evidence, complicity of accused 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 bail application is **allowed**.

6. Let the applicant- **Dinesh Kumar Yadav** 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. It is made clear that the applicant shall be released on the basis of computer generated copy of this order, downloaded 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.

10. It is further 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.

11. Office is directed to send a copy of this order to the applicant through concerned Jail Superintendent via e-mail or on e-prison portal and Trial Court via e-mode within 24 hours in compliance of the order 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 **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.

(Arun Kumar Singh Deshwal,J.)

October 23, 2026
CS/-

Digitally signed by :-
CHANDAN SINGH
High Court of Judicature at Allahabad