2026:AHC:210836

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 35966 of 2026

Suhaib And Another

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

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

Court No. - 69

HON'BLE AVNISH SAXENA, J.

1. Heard Sri Harish Chandra, learned counsel for accused applicants and learned A.G.A. for the State.

2. The present bail application has been moved by the applicants accused- **Suhaib** and **Firoz Khan** to enlarge them on bail in Case Crime No. 94 of 2026, under Sections 310(2), 311, 317(3), 61(2) of BNS, P.S.- Crossing Republic, District- Ghaziabad during the pendency of trial.

3. It is the contention of learned counsel for accused applicants that the accused applicants have been falsely implicated during investigation in FIR dated 6.5.2026 lodged by Rajnish Tripathi with the allegation against anonymous persons that they have robbed ATM van, which was carrying money. There is nothing in the FIR to show the money robbed, though later on, it is found that it is Rs.27 lakhs has been looted. It is further contended that name of the accused applicants have been figured out from the statement of Mohd. Kaif, who has been arrested by the police. Later on, the accused applicants were arrested on the basis of tip off and Rs.1 lakh has been recovered from the joint possession of the accused applicants. The arrest and recovery has been made in absence of the independent witness. Except the CDR details, there is no incriminating material against the accused applicants. They have no previous criminal history. In the present case, the cash and a country made pistol is also shown recovered in absence of the independent witness. The charge sheet has been submitted. The applicants are languishing in jail since 24.6.2026.

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 name of the accused applicants have been figured out from the statement of the co-accused and the arrest and recovery has been made in absence of the independent witness, the accused applicants are entitled to be enlarged on bail.

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

8. The accused/applicants 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-applicants 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