HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 46170 of 2026

Dushyant Tyagi

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite Party(s)

Counsel for Applicant(s) : Babboo Ram, G.A., Rajesh Kumar Shukla

Counsel for Opposite Party(s) :

Court No. - 75

HON'BLE SANJAY KUMAR PACHORI, J.

Sri Babboo Ram Varma, learned counsel for the applicant and Ms.Saumya Madhyan, learned Brief Holder for the State and perused the material on record.

The present application under Section 528 of Bhartiya Nagrik Suraksha Sanhita, 2023 has been filed by the applicant to quash the entire proceedings of Criminal Case No.3704 of 2026 (State vs. Dushyant Tyagi) arising out of Case Crime No.263 of 2026, under Sections 60 of Excise Act, Police Station- Garhmukteshwar, District- Hapur, as well as cognizance/summoning order dated 20.6.2026, pending in the Court of Civil Judge (JD)/Judicial Magistrate, Garhmukteshwar, Hapur.

Learned counsel for the applicant submits that applicant was not arrested during the course of investigation and the charge-sheet has been submitted against him. It is further submitted that the offence is punishable up to 7 years imprisonment.

Upon considering the facts and circumstances of the case, the prayer made by learned counsel for the applicant is, hereby, refused.

After some arguments, learned counsel for the applicant wants to withdraw the application with liberty to file a regular bail application before the court of competent jurisdiction.

In case bail application is filed by the learned counsel for the applicant, the same shall be decided in the light of the observations made in the judgment rendered by the Supreme Court in **Satender Kumar Antil Vs. Central Bureau of Investigation & Another, (2022) 10 SCC 51,** wherein the Supreme Court considering the category(A) as mentioned in the paragraph no. 2, bail applications of such accused against which charge-sheet has been submitted on appearance may be decided without the accused being taken in physical custody or by granting interim bail till the bail application is decided. It has been observed that at the cost of repetition, we wish to state that, in category A, one would expect a better exercise of discretion on the part of the court in favour of the accused.

The application stands **disposed of** with the aforesaid liberty.

(Sanjay Kumar Pachori,J.)

October 23, 2026
LN Tripathi

Digitally signed by :-
LALIT TRIPATHI
High Court of Judicature at Allahabad