HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 482 BNSS No. - 11123 of 2026

Nizamuddin

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Vivek Sehgal, Sudarshan Singh
Counsel for Opposite Party(s)	:	G.A.

Court No. - 70

HON'BLE RAJIV LOCHAN SHUKLA, J.

1. Heard, Learned counsel for the applicant, the Learned A.G.A. for the State and perused the record.

2. The present anticipatory bail application has been filed on behalf of the applicant in Case Crime No.40 of 2026, under Sections 109, 324(4), 121(1), 131, 3(5) BNS and Section 4/21 of Mines and Minerals Act, Police Station- Baheri, District Bareilly, with a prayer to enlarge him on anticipatory bail as the applicant apprehends his arrest in the above-mentioned case.

3. This is the second bail application filed by the applicant. First bail application of the applicant had been dismissed as the applicant had not explained his criminal antecedents.

4. Learned counsel for the applicant has contended that the applicant has been falsely implicated in the present case. He was not named in the F.I.R., which was lodged against 44 unknown persons and five named persons. The allegation is of several trucks being used for illegal mining and when the police intercepted the said trucks, their drivers attempted to run over the police officers with the intention of killing them.

5. Learned counsel has further submitted that this is a case of no injury. The name of the applicant surfaced during the course of investigation and except the fact that one of the vehicles supposedly seized by the police was registered in the name of the applicant, there is no other direct

evidence against him.

6. Learned A.G.A. has opposed the prayer for bail but could not point out any criminal antecedents of the applicant.

7. I have considered the submissions made by learned counsel for the parties.

8. The applicant is not named in the F.I.R. His name has surfaced during the course of investigation, supposedly on verification of the registration numbers of the seized vehicles involved in illegal mining. The applicant has criminal history of two other cases but he is not a previous convict. The F.I.R. has been lodged with a delay of one day from the date of occurrence and there is no plausible explanation for the delay in lodging the F.I.R.

9. Taking into account all the facts and circumstances of the case and without expressing any opinion on the merits of the case, I deem it fit to enlarge the applicant on anticipatory bail.

10. In view of the above, the anticipatory bail application of the applicant is allowed.

11. In the event of the arrest of the applicant **Nizamuddin**, he shall be released forthwith in the aforesaid case crime on anticipatory bail on furnishing a personal bond and surety each in the like amount to the satisfaction of the Station House Officer of the police station/Court concerned with the following conditions:-

i. the applicant shall make himself available for interrogation by a police officer as and when required;

ii. that 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;

iii. that the applicant shall not leave India without the previous permission of the Court;

iv. that the applicant shall not pressurize/intimidate the prosecution witness;

12. In case of breach of any of the above conditions, the Court concerned shall be at liberty to cancel the bail.

13. It is made clear that observations made hereinabove are exclusively for deciding the instant anticipatory bail application and are not to be considered to be an opinion on the merits of the case.

(Rajiv Lochan Shukla,J.)

October 24, 2026
S.A.

Digitally signed by :-
SALMAN AHMAD
High Court of Judicature at Allahabad