2026:AHC:227830

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 39032 of 2026

Mohd Adil @ Chhotka @ Aatankwadi

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s) : Manisha Verma, Sushil Kumar Dwivedi

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

Court No. - 68

HON'BLE KRISHAN PAHAL, J.

1. List has been revised.

2. Heard Sri Sushil Kumar Dwivedi, learned counsel for the applicant, Sri Ram Mohit Yadav, learned AGA for the State and perused the material placed on record.

3. Applicant seeks bail in Case Crime No.360 of 2019, under Sections 3/25 Arms Act, Police Station Pipri, District Kaushambi, during the pendency of trial.

4. Learned counsel for the applicant has argued that the applicant is absolutely innocent and has been falsely implicated in the present case. The allegations levelled against the applicant are *per se* false, and he has nothing to do with the alleged offence. The criminal history of two cases attributed to the applicant has been explained as he is on bail in both the cases. He is languishing in jail since 24.9.2019, as such, the period of incarceration is more than seven years. Therefore, the fundamental rights of applicant enshrined under Article 21 of the Constitution of India stands violated. He undertakes to cooperate with the trial and not misuse the liberty of bail.

5. Learned AGA has vehemently opposed the bail application but the submissions raised by the learned counsel for the applicant could not be disputed.

6. This Court is of the view that if a case for bail is otherwise made out, an

accused cannot be kept incarcerated solely on account of his criminal antecedents. In the instant case, the criminal history attributed to the applicant has been properly explained.

7. Considering the facts and circumstances of the case, submissions made by learned counsel for the parties, the evidence on record, taking into consideration the period of incarceration undergone by the applicant, i.e., more than seven years, and without expressing any opinion on the merits of the case, *prima-facie* the Court is of the view that the applicant has made out a case for bail. The bail application is ***allowed***.

8. Let the applicant- **Mohd Adil @ Chhotka @ Aatankwadi**, be released on bail in the aforementioned case crime on furnishing a personal bond and two sureties to the satisfaction of the court concerned, subject to verification of sureties, with the conditions that he shall not tamper with evidence or intimidate witnesses and shall appear before the trial court as required.

9. Breach of any condition shall entail cancellation of bail. The observations herein shall not affect the trial on merits.

(Krishan Pahal,J.)

November 2, 2026
Vikas Verma

Digitally signed by :-
VIKAS VERMA
High Court of Judicature at Allahabad