2026:AHC:212902

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 36235 of 2026

Mohsin Khan

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Ashutosh Shukla, Avanish Kumar Shukla, Sharad Srivastava
Counsel for Opposite Party(s)	:	G.A.

Court No. - 69

HON'BLE AVNISH SAXENA, J.

1. Heard Sri Sharad Srivastava, learned counsel for accused applicant and learned A.G.A. for State.

2. The present bail application has been moved by the applicant accused-**Mohsin Khan** to enlarge him on bail in Case Crime No. 371 of 2026, under Sections 204, 319(2), 318(4), 338, 336(3), 340(2), 347(2) of BNS, P.S.- Kotwali, District- Basti, during the pendency of trial.

3. It is the contention of learned counsel for applicant that the accused applicant has been falsely implicated in FIR dated 26.08.2026 lodged by the police against applicant with the allegation that accused applicant was using beacon laden vehicle. He claimed himself to be OSD and in official capacity. Further submits that recovery and arrest have been made in the absence of independent witness. There is no such incident took place. On the occasion of Barawafat, there was some gathering and accused applicant was also in the said gathering and having some hot talk with the police which led to the false implication of the accused. Further submits that charge sheet is submitted. The accused applicant has no criminal history. The accused applicant is languishing in jail since 26.08.2026. He seeks enlargement of accused on bail.

4. Learned A.G.A. for State 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 the arrest and recovery have been made in the absence of independent witness, the accused/applicant is entitled to be released on bail.

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

8. The accused/applicant 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-applicant shall cooperate in judicial process for fair and speedy disposal.

(Avnish Saxena,J.)

October 9, 2026
Sharad/-

Digitally signed by :-
SHARAD KUMAR SRIVASTAVA
High Court of Judicature at Allahabad