



2026:AHC:44929

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 23368 of 2025

Faizan

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Ambreen Masroor, Brijesh Kumar
Srivastava, Sadrul Islam Jafri
Counsel for Opposite Party(s) : G.A.

Court No. - 69

HON'BLE ARUN KUMAR SINGH DESHWAL, J.

1. Heard Sri N.I. Jafri, learned Senior Advocate assisted by Sri Sadrul Islam Jafri, learned counsel for the applicant, Sri Rakesh Kumar Mishra, learned A.G.A. for the State and perused the record.
2. The instant bail application has been filed with a prayer to release the applicant on bail in Case Crime No.193 of 2025, under Sections-196(1), 152, 318(4) BNS, Police Station-Jalesar, District-Etah, during the pendency of the trial.
3. Contention of learned counsel for the applicant is that as per the prosecution story, the applicant has uploaded the post on his instagram account which reads "*Pakistan Zindabad*" immediately after the Pahalgam attack on the Indian tourists. It is further submitted that though the post of the applicant may be objectionable but will not form an offence within the category of Section 152 BNS as he did not posted anything which is derogatory and disrespectful to the India and merely supporting an enemy country will not itself come under the purview of Section 152 BNS. At the most, the case may fall u/s 196 BNS which is an offence, triable by Magistrate and offences are punishable up to 3 to 5 years. In support of his contention, learned counsel for the applicant has relied upon the judgement of this court in **Riyaz Vs. State of U.P. in Criminal Misc. Bail Application No.22915 of 2025** vide order dated **10.07.2025**, wherein it is held that in case of social media post, preliminary enquiry has to be conducted

in view of law laid down in **Imran Pratapgadhi Vs. State of Gujarat And Another** reported in **2025 SCC OnLine SC 678**. It is further submitted that charge sheet has been filed in the present case, therefore, there is no requirement of custodial interrogation. The applicant is a law abiding citizen and he is languishing in jail since 03.05.2025. In case, he is granted bail, he will not misuse the liberty of bail and would cooperate in the trial proceedings.

4. Per contra, learned A.G.A. has vehemently opposed the prayer for bail but could not dispute the aforesaid facts.

5. Considering the entire facts and circumstances of the case, submissions of learned counsel for the parties and keeping in view the nature of offence, evidence, complicity of the accused and taking into account overcrowded jails and heavy pendency of criminal cases before the trial courts as well as considering the mandate of the judgement of the Apex Court in the case of **Kapil Wadhawan vs Central Bureau of Investigation** reported in **2025 SCC OnLine SC 3038** and without expressing any opinion on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

6. Let the applicant- **Faizan**, involved in the aforementioned crime be released on bail, on his furnishing a personal bond and two sureties each in the like amount, to the satisfaction of the court concerned, with the following conditions:-

i. 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 or tamper with the evidence.

ii. The applicant shall cooperate in the trial/investigation sincerely without seeking any adjournment.

iii. The applicant shall not indulge in any criminal activity or commission of any crime after being released on bail.

iv. The applicant shall attend in accordance with the conditions of the

bond executed by him.

v. The applicant will not upload any objectionable post on social media which is against the reputation of the country or against any community.

7. In case of breach of any of the above conditions, it shall be a ground for cancellation of bail.

8. Identity, status and residence proof of the applicant and sureties be verified by the court concerned before the bonds are accepted.

9. It is made clear that the applicant shall be released on the basis of computer generated copy of this order, downloaded from the official website of High Court Allahabad and verified by the concerned counsel with the undertaking that the certified copy will be filed within 15 days.

10. It is further directed that the trial court shall send the release order to the concerned jail through Bail Order Management System (BOMS) to ensure early release of the applicant.

11. Office is directed to send a copy of this order to the applicant through concerned Jail Superintendent via e-mail or e-prison portal in compliance of the order of the Apex Court in the case of **Policy Strategy for Grant of Bail, In Re: Suo Motu Writ Petition (Crl.) No.4 of 2021 decided on 31.01.2023** reported in **(2024) 10 SCC 685**.

(Arun Kumar Singh Deshwal,J.)

February 26, 2026
S.C.