



**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 482 BNSS No. - 1684 of 2026

Naseeb Ahmad And 3 Others

.....Applicant(s)

Versus

State Of U.P. Thru. Prin. Secy. Deptt. Of Home Lko

.....Opposite Party(s)

Counsel for Applicant(s)	:	Saurabh Upadhyay, Vikalp Shukla
Counsel for Opposite Party(s)	:	G.A.

Court No. - 28

HON'BLE RAJEEV BHARTI, J.

1. Supplementary affidavit filed on behalf of the applicant is taken on record.
2. Heard learned counsel for the applicant, learned A.G.A. for the State and perused the material available on record.
3. The present application under Section 438 Cr.P.C./482 B.N.S.S. has been filed seeking anticipatory bail in FIR/Case Crime No.0122/2026, under Section 3/5A/8 of U.P. Prevention of Cow Slaughter Act, Police Station- Gosaiganj, District- Sultanpur.
4. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the present case. He further submits that the applicants are not named in the FIR and their names surfaced in the statement(s) of co-accused persons. Co-accused -Salman has already been granted interim anticipatory bail by this Court vide order dated 26.05.2026, passed in Crl. Misc. Anticipatory Bail Application u/s 482 BNSS No.1002 of 2026.
5. It has further been submitted by the applicant that the Director General of Police, U.P., Lucknow has also issued DGP Circular dated 21.07.2025 wherein it is clearly mentioned that audio-video recording of conducting search or taking possession of any property is mandatory on the part of the police at the place of search or where the recovery is made. It is further submitted that the remand application of applicant no.3- Mohd. Akram was rejected by the learned Trial Court vide order dated 28.07.2026. The applicants have no previous criminal history and they undertake to co-operate in the investigation, which is going on.
6. Learned A.G.A. has opposed the anticipatory bail application, but could not dispute the facts as argued by learned counsel for the applicants.

7. Let a counter affidavit be filed within two weeks. Rejoinder affidavit, if any, may be filed within one week thereafter.

8. List this case after four weeks.

9. Section 105 of the Bharatiya Nagarik Suraksha Sanhita, 2023 clearly states that search and seizure and signing of the seizure list by witnesses should be recorded through audio-video electronic means and immediately sent to the concerned Magistrate, the provision is practically not implemented. This Court cannot understand why compliance with such a simple statutory requirement is a difficulty for police authorities. In an age where audio-video recording is the norm, compliance with Section 105 of the BNSS should not be seen as burdensome or complex.

10. On due consideration of the facts that the applicants have no previous criminal history; investigation in this case is going on and the undertaking given by the applicants to cooperate with the investigation; co-accused - Salman has already been granted interim anticipatory bail by this Court vide order dated 26.05.2026, this Court finds it appropriate to grant interim anticipatory bail to the applicant under Section 482 BNSS.

11. Till the next date of listing or till submission of charge sheet, whichever is earlier, it is provided that in the event of arrest/surrender, the applicants shall be released on interim anticipatory bail on their furnishing a personal bond and two sureties of the like amount to the satisfaction of the arresting officer/I.O./S.H.O. concerned with the following conditions:-

(i) The applicants shall report to the investigating officer within seven days from the date of receipt of a certified copy of this order.

(ii) They shall cooperate in the investigation and they will not influence the witness.

(iii) The accused-applicants will remain present as and when the arresting officer/I.O./S.H.O. concerned call(s) for investigation/interrogation.

(iv) The applicants shall not leave India without previous permission of the Court.

12. In case of default, it would be open for the investigating agency to move application for vacation of this interim protection.

August 10, 2026

Anand/-

(Rajeev Bharti,J.)