



HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 2802 of 2026

Ankur Rai And 7 Others

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite Party(s)

Counsel for Applicant(s)	:	Sheikh Obaidullah
Counsel for Opposite Party(s)	:	G.A.

Court No. - 81

HON'BLE VIVEK KUMAR SINGH, J.

1. Heard learned counsel for the applicants and learned A.G.A. for the State-opposite party no.1.
2. Present application under Section 528 B.N.S.S. has been preferred for quashing the criminal proceeding of Session Trial No. 355 of 2021 (State of U.P. Vs. Ankur Rai & others) arising out of Case Crime No. 325 of 2020, under Section 3(1) of the U.P. Gangsters and Anti Social Activities (Prevention) Act, 1986, Police Station Kopaganj, District Mau, as well as Chargesheet dated 16.01.2021 alongwith cognizance order dated 30.09.2021, pending in the court of Additional District and Sessions Judge (Gangster)/F.T.C.-I, Mau.
3. It is submitted by the learned counsel for the applicants that Rule 5(3)(a) of the Uttar Pradesh Gangster and Anti Social Activities (Prevention) Rules, 2021 has not been followed. It is also submitted that continuation of criminal proceedings under the Uttar Pradesh Gangster and Anti Social Activities (Prevention) Act, 1986 should be based on proper adherence to procedural safeguards, independent application of mind by the competent authorities and substantive evidence. Mere mechanical approval of gang-charts and lack of compliance with mandatory rules invalidates the proceedings. In support of his contention, learned counsel for the applicants has relied upon the judgment of Hon'ble Apex in the case of **Vinod Bihari Lal vs. State of Uttar Pradesh and Another reported in 2025 SCC Online SC 1216**. It is further submitted that the independent mind has not been applied by the State Authorities in view of Rule 17 of the Uttar Pradesh Gangster and Anti Social Activities (Prevention) Rules, 2021.

4. Learned AGA is directed to obtain instructions in the matter within two weeks.
5. Connect and put up this case alongwith Application U/S 528 BNSS No.- 47565 of 2025 on 26.02.2026 as fresh.
6. Till the next date of list, proceedings of aforesaid case shall remain stayed against the applicants only.

(Vivek Kumar Singh,J.)

February 3, 2026
Radhika