



HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 2426 of 2026

Abhishek Singh Alias Shivansh Singh

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s) : Anurag Yadav, Sury Pratap Singh
Counsel for Opposite Party(s) : G.A.

Court No. - 81

HON'BLE VIVEK KUMAR SINGH, J.

1. Heard learned counsel for the applicant and learned A.G.A. for the State respondents.

2. Present application under Section 528 B.N.S.S. has been preferred for quashing the entire proceedings of Special Session Trial No. 18 of 2024 (State vs. Abhishek Singh @ Shivansh Singh and others), arising out of Case Crime No. 105 of 2023, under Section 3(1) of U.P. Gangster and Anti Social Activities (Prevention) Act, 1986, Police Station Mehnajpur, District Azamgarh along with charge-sheet no. A208 of 2023 dated 19.11.2023 as well as cognizance / summoning order dated 16.2.2024 passed by Additional District and Session Judge / Special Judge (Gangster Act), Court No. 6, Azamgarh.

3. It is submitted by the learned counsel for the applicant 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 applicant 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. Put up this case as fresh on 8.4.2026.

6. Till the next date of listing, proceedings of aforesaid case shall remain stayed against the applicant only.

(Vivek Kumar Singh,J.)

March 16, 2026
Lalit Shukla