



HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 8917 of 2026

Pramod Kumar @ Pramod Gautam

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s) : Abhishek Kumar Saroj, Nagendra
Bahadur Singh, Virendra Yadav

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-opposite party no.1.

2. Present application under Section 528 B.N.S.S. has been preferred for quashing the entire proceeding of S.T. No.832 of 2025 (State Vs. Mulayam @ Baba Bind and others) including the charge-sheet dated 26.11.2025 as well as cognizance/ summoning order dated 18.12.2025 passed by learned Additional District Judge/ Special Judge/ N.D.P.S./ Gangster Act, Bhadohi-Gyanpur, arising out of Case Crime No.0154 of 2025, under section 3(1) of U.P. Gangster and Anti Social Activities (Prevention) Act 1986, Police Station- Aurai, District- Bhadohi.

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 07.04.2026.

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

(Vivek Kumar Singh,J.)

March 13, 2026

Radhika