

Court No. - 91

Case :- APPLICATION U/S 482 No. - 35067 of 2023

Applicant :- Shabbir Sheikh Alias Shabbir Ali

Opposite Party :- State of U.P. and Another

Counsel for Applicant :- Shailendra Kumar, Ashutosh Chaubey, Pramod K. Gupta

Counsel for Opposite Party :- G.A.

Hon'ble Gajendra Kumar, J.

Heard counsel for the applicant, learned A.G.A for the State and perused the record.

This application under Section 482 Cr.P.C. has been filed to quash the non-bailable warrant order dated 20.09.2022, passed by Additional District and Sessions Judge/Fast Track Court-I, Chandauli, as well as the entire proceeding of Sessions Trial No. 54 of 2016 (CNR No. UPCD010006822016) (State vs. Shabbir Sheikh), arising out of Case Crime No. 369 of 2016, under section 8/18 NDPS Act, P.S. GRP Mughalsarai, District Chandauli, pending in the court of Sessions Judge, Chandauli.

The only submission raised by learned counsel for the applicants is that the court concerned vide order dated 20.09.2022 has issued non-bailable warrant for appearance of the applicant. Counsel for the applicant has urged that an opportunity be granted to the applicant to file an application for recall of the order issuing non-bailable warrant.

Learned AGA has no objection to the said prayer.

The prayer for quashing the entire proceeding of aforesaid criminal case is hereby refused.

However, it is provided that if the applicant file an application for recall of the order issuing non-bailable warrant within three weeks from today, the said application shall be considered by the court concerned and appropriate order shall be passed expeditiously.

For a period of three weeks, no coercive action shall be taken against the applicant.

In the event of failure, on the part of the applicants to act within time as directed above, the court concerned may adopt all coercive measures to ensure the appearance.

With the aforesaid observations, this application is finally disposed of.

Order Date :- 17.10.2023

v.k.updh.