

Court No. - 67

Case :- CRIMINAL MISC. WRIT PETITION No. - 17420 of 2023

Petitioner :- Sanjeev Kumar Yadav

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Amrendra Pratap Singh

Counsel for Respondent :- G.A.

Hon'ble Rahul Chaturvedi,J.

Hon'ble Syed Qamar Hasan Rizvi,J.

Heard learned counsel for the petitioner and learned A.G.A. representing the State and perused the record.

By means of the present petition, the petitioner is assailing the legality and validity of the FIR dated 6.10.2023 registered as Case Crime No. 220 of 2023, under Section 8/21 of N.D.P.S. Act, police station Balua, district Chandauli.

After plain reading of the entire FIR, we are of the considered opinion that prima facie offence is made out against the petitioner and there is no reason or occasion to quash the FIR in exercise of power under Article 226 of the Constitution of India. Though the learned counsel for the petitioner has vainly tried to persuade us showing that there are major lapses while adhering to the mandatory provision with regard to Section 50 and 52 of N.D.P.S. Act. We are not impressed by the arguments advanced by the learned counsel. We are at very nascent stage. The petitioner fled away from the site and his name figured up on the confessional statement of co-accused with whom there is recovery of psychotropic substances. Hence, the prayer for quashing the FIR is hereby declined and refused.

However, if so advised, the petitioner may approach the court concerned by filing regular bail within next ten days from today and if such an application is moved, learned court concerned is expected to apply its robust judicial discretion in deciding the regular bail at the earliest.

With this observation, the present writ petition is hereby disposed of.

Order Date :- 20.11.2023

Sumaira