

**Court No. - 43**

**Case :-** CRIMINAL MISC. WRIT PETITION No. - 18222 of 2023

**Petitioner :-** Umesh

**Respondent :-** State Of U.P. And 2 Others

**Counsel for Petitioner :-** Mahendra Tripathi

**Counsel for Respondent :-** G.A.

**Hon'ble Anjani Kumar Mishra,J.**

**Hon'ble Arun Kumar Singh Deshwal,J.**

1. Heard learned counsel for the petitioner and learned AGA for the State.
2. The instant writ petition seeks quashing of the FIR dated 06.04.2022 giving rise to Case Crime No.205 of 2022, under Sections 8/20 N.D.P.S. Act, Police Station- Atmaddaula, District-Agra.
3. The impugned FIR is under NDPS Act. This Court is not inclined to entertain the writ petition pertaining to offences under the NDPS Act.
4. Contention of learned counsel for the applicant is that the petitioner was present at spot 60 km away from the site of incident and it is a report based on CCTV footage to support this alibi.
5. The writ court in a petition seeking quashing of the first information report cannot consider the plea of *alibi* which necessarily requires consideration of evidence. Such consideration is beyond the scope of the petition itself.
6. The writ petition is, therefore, **dismissed** without prejudice to the right of the petitioner to apply for bail/anticipatory bail.

**Order Date :-** 23.11.2023

A.Kr.