

Court No. - 46

Case :- CRIMINAL MISC. WRIT PETITION No. - 19334 of 2023

Petitioner :- Sandeep Tiwari @ Sandeep Kumar Tripathi

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

Counsel for Petitioner :- Meraj Ahmad Khan, Akhilesh Misra

Counsel for Respondent :- G.A.

Hon'ble Ashwani Kumar Mishra, J.

Hon'ble Syed Aftab Husain Rizvi, J.

This petition has been filed with the prayer to quash the First Information Report in Case Crime No. 48 of 2022, under Section 8/20 Narcotic Drugs & Psychotropic Substance Act, 1985, Police Station- Jhunsi, District- Prayagraj.

Learned counsel for the petitioner submits that neither any recovery has been made from the petitioner nor there is any other evidence against him and, therefore, his implication based on confessional statement of co-accused cannot be made the basis for his implication.

Learned AGA opposes the prayer made in the writ petition.

From the perusal of the records of the writ petition, it appears that certain contraband has been recovered from Anil Kumar Kanaujiya and Shyam Babu. During the course of investigation, petitioner's role has surfaced and the investigation is proceeded. At this stage of the proceedings, we would not be justified in drawing any inference in favour of the petitioner merely because no recovery is made from him.

Since prima-facie allegation with regard to commissioning of cognizable offence under the N.D.P.S. Act is clearly disclosed in the F.I.R., we decline to interfere in the writ petition, inasmuch as neither the specific role of the petitioner is required to be examined at the threshold nor correctness or otherwise of the allegations made therein.

The writ petition is **dismissed** accordingly.

Order Date :- 14.12.2023

SP/-