

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 8384 of 2023

Petitioner :- Ajay Chauhan And Another

Respondent :- State Of U.P. Thru. Secy. Home Lko. And Others

Counsel for Petitioner :- Krishna Gopal

Counsel for Respondent :- G.A.

Hon'ble Mrs. Sangeeta Chandra,J.

Hon'ble Narendra Kumar Johari,J.

Heard learned counsel for the petitioners and learned A.G.A. for the State.

This petition has been filed with the following prayers:-

"Issue a writ, order or direction in the nature of Certiorari quashing the impugned First Information Report Lodged by opposite part No-4 on 17/08/2023 registered as Crime No 363/2023 under section 8/21 Narcotic Drugs and Psychotropic Substances Act, Police Station- Safderganj, District- Barabanki, as contained in Annexure No.1 to the writ petition.

Issue a writ order or direction in the nature of Mandamus commanding the opposite parties particularly opposite party No.2 and 3 to decide early the petitioners representation/ application dated - 21/08/2023 and properly investigate the case of Crime No.363/2023 under section 8 and 21 Narcotic Drugs and Psychotropic Substances Act, Police Station- Safderganj, District- Barabanki, as contained in Annexure No.2 to the writ petition."

It has been submitted by learned counsel for the petitioners that the petitioners are apprehensive of the Police Authorities not investigating the matter properly. They have sent an application/ representation on 21.08.2023 to the Superintendent of Police Barabanki through their Advocate with regard to the illegality in keeping the petitioners detained in the Police Station for long.

Learned A.G.A. has pointed out from the F.I.R. that all the accused had different quantities of *smack* in their pockets which were recovered. The total

amount recovered was more than 100 gms.

This Court having gone through the contents of the F.I.R. finds that, *prima facie*, a cognizable offence is made out, and therefore prayer no.1 cannot be granted by this Court.

However, this petition is ***disposed of*** with a direction to the Superintendent of Police Barabanki to look into the representation dated 21.08.2023 made to him by the Advocate of the petitioners and take an appropriate decision in the matter within a period of six weeks from the date a copy of this order is produced before him.

Order Date :- 31.10.2023

Rahul