



2025:AHC:174939-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. WRIT PETITION No. - 22288 of 2025

Amit Pal Petitioner

Versus

State of U.P. and others Respondents

Counsel for Petitioners	: Mr. Mohd. Nasir, Advocate holding brief of Mr. Irshad Ahmad, Adv.
Counsel for Respondents	: G.A.

Court No. - 42

HON'BLE J.J. MUNIR, J.
HON'BLE PRAMOD KUMAR SRIVASTAVA, J.

1. This writ petition has been filed challenging the First Information Report (FIR) dated 15.04.2025, giving rise to Case Crime No.0087 of 2025, under Sections 316(5), 317(4), 61(2) of the Bharatiya Nyay Sanhita, 2023 (for short, 'the BNS'), Police Station Nakhasa, District Sambhal.

2. Heard Mr. Mohd. Nasir, Advocate holding brief of Mr. Irshad Ahmad, learned Counsel for the petitioner at length and Mr. K.K. Nishad, learned State Law Officer, appearing on behalf of the State.

3. The submission of the learned Counsel for the petitioner is that the petitioner is not named in the FIR and his name has surfaced during investigation, where statements of co-accused were recorded, indicating his involvement. The offence, that is subject matter of the FIR, is rather unusual and quite an organized criminal activity. The FIR was lodged against the three

nominated accused, Fardeen, Mohd. Kaif and Mohd. Amin, all sons of Aquil, saying that the first informant, a Sub-Inspector of Police, posted at Police Station Nakhasa, Sambhal, came to know from an informer that the three men, named above, were managing a dairy in Village Milak Kakravva, situate on the Sambhal-Hasanpur Road. They would connive with tanker drivers, carrying milk from reputed dairies, take out milk from their tankers and sell it off. They would pay the drivers some money, below the market price of the milk. The Sub-Inspector reached the spot, where the three men were reportedly operating that day. They had on them vessels for carrying milk and other necessary equipment, such as a pipe, a submersible pump etc. The Sub-Inspector, while inquiring of their names and identity, chanced upon a black-coloured device. Upon inquiry about the device, it was revealed that it was a jammer, which Aman son of Aquil said he had purchased about a year and a quarter earlier. The owners of tankers, carrying milk from these reputed dairies, would keep track of their drivers and vehicles by a G.P.S. device on board truck. The jammer, when put in action, would render the G.P.S. on the truck dysfunctional, enabling these three nominated accused to easily make the driver do a detour to suitable place, away from the Road, make him open the tanker seal, all undetected by the truck owner or the transporter. After the milk had been extracted, the driver would be paid price therefor below the market rate.

4. The Sub-Inspector thought that this was a matter, which required a very detailed inquiry/ investigation. The three men were brought to the station and they detailed their *modus operandi* graphically. They had been carrying on their nefarious activities for 13-14 months, past. These men disclosed that they would make payphone transfers to various drivers, from whom they had criminal dealings in extracting milk from tankers of reputed dairies. The short quantity of milk in the tankers was made good by adding water to it. During investigation, names of various men,

mostly drivers, who had connived with the three nominated accused, surfaced, and so did the petitioner's name, a fact that the petitioner admits in paragraph No.11 of the writ petition. Now, in the background of these facts, the petitioner's contention that he is not named in the FIR and there is no criminal breach of trust on his part as there was no entrustment made to him, is a matter of a very serious investigation.

5. It appears that small components in the crime of extracting milk from tankers of reputed companies is carried on by the nominated accused in a very organized manner, employing a sophisticated device to deceive the tanker owners, undertaking conveyance of milk on board their vehicles from the dairies to the purchasers/ bulk purchasers, as the case may be.

6. There is evidence of many a driver being paid through payphone. What precise evidence appears against the petitioner, would be a matter of investigation. In the totality of circumstances, it cannot be said that this is a case, where there is a simple accomplice testimony in a one-time offence. We do not think that this is a case, where this Court ought interfere in the slightest measure to scuttle or impair investigation by restraining arrest.

7. It is made clear, however, that the petitioner would have his remedies of seeking bail and/ or anticipatory bail open to him, as advised.

8. No case for interference with the impugned FIR is made out.

9. This petition is summarily **dismissed**.

(Pramod Kumar Srivastava,J.) (J.J. Munir,J.)

September 26, 2025

Anoop/I. Batabyal