2026:AHC:208844-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. WRIT PETITION No. - 9394 of 2025

Ghanshyam Tripathi

.....Petitioner(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Ajay Kumar, Vivek Kumar Singh
Counsel for Respondent(s)	:	G.A.

Court No. - 47

HON'BLE RAJEEV MISRA, J.
HON'BLE JAI KRISHNA UPADHYAY, J.

1. Case called out in revised list.

2. Even though the names of Mr. Ajay Kumar and Mr. Vivek Kumar Singh are duly published in the cause list as counsel for petitioners however neither they nor any one on their behalf is present to press these writ petition even in revised call .

3. Learned A.G.A. representing State/respondents 1, 2 and 3 is present.

4. Perused the record.

5. Petitioner-Ghanshyam Tripathi has approached this Court by means of present Criminal Misc. Writ Petition challenging the F.I.R. dated 26.03.2025 lodged by first informant-respondent-4, Brijkishor Gautam and registered as Case Crime No. 163 of 2025 under Sections 18/20 of the Narcotics Drugs and Psychotropic Substances Act, 1985, Police Station-Handia, District-Prayagraj.

6. Present writ petition came up for admission on 12.05.2025 and this court passed the following order:

"1. Heard learned counsel for the petitioner and learned A.G.A. for the State respondents.

2. The relief sought in this petition is for quashing of the F.I.R. dated 26.03.2025, registered as Case Crime No.163 of 2025, under Sections- 18/20 of the Narcotics Drugs and Psychotropic Substances Act, 1985, Police Station Handia, District Prayagraj.

3. Learned counsel for the petitioner submits that the petitioner is not named in

the impugned FIR and his name came into light on the confessional statement of the co-accused. On 24.04.2025, co-ordinate bench has already accorded an interim protection to the co-accused of the aforesaid Case Crime in Criminal Misc. Writ Petition No.7532 of 2025 (Smt. Manju Mishra vs. State Of Uttar Pradesh and 3 others) and the petitioner of this writ petition is also entitled to the same interim protection for the reasons mentioned in the said order.

4. Matter requires consideration.

5. Issue notice to the informant-respondent no.4, returnable at an early date. Steps may be taken within two weeks.

6. All the respondents are accorded three weeks time to file counter-affidavit. One week, thereafter, for rejoinder.

7. Connect alongwith Criminal Misc. Writ Petition No.7532 of 2025 (Smt. Manju Mishra vs. State Of Uttar Pradesh and 3 others).

8. Considering the facts and circumstances of the case, as an interim measure, it is provided that till the next date of listing or till submission of police report u/s 173(2) Cr.P.C. (now Section 193(3) of Bhartiya Nagarik Suraksha Sanhita, 2023), whichever is earlier, respondents are restrained to arrest the petitioner pursuant to the impugned FIR, subject to cooperation in the on-going investigation. "

7. It transpires from record that during pendency of present writ petition, Investigating Officer upon completion of statutory investigation of aforesaid case crime number in terms of Chapter XIII BNSS has already submitted the charge sheet/police report. Accordingly, petitioner has approached this Court by means of an application under Section 528 BNSS No. 11866 of 2026 (Ghanshyam Tripathi Vs. State of U.P. and another). It is thus apparent that by efflux of time, present writ petition has been rendered infructuous.

8. It is accordingly dismissed as having rendered infructuous.

9. Interim order, if any, shall stand vacated.

October 6, 2026
YK

(Jai Krishna Upadhyay,J.) (Rajeev Misra,J.)

Digitally signed by :-
YASHWANT KUMAR
High Court of Judicature at Allahabad