2026:AHC:227194-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. WRIT PETITION No. - 26051 of 2026

Man Pal

.....Petitioner(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Vinod Kumar, Vivek Kumar Sharma
Counsel for Respondent(s)	:	G.A.

Court No. - 47

HON'BLE RAJEEV MISRA, J.
HON'BLE DR. AJAY KUMAR-II, J.

1. Supplementary affidavit filed by the learned counsel for petitioner in Court Today is taken on record.

2. Heard Mr. Vivek Kumar Sharma, the learned counsel for petitioner and the learned A.G.A. for State/respondents 1, 2 and 3.

4. Perused the record.

5. Petitioner-Man Pal has approached this court by means of present Criminal Misc. Writ Petition challenging the impugned F.I.R. dated 29.06.2026 lodged by first informant/respondent-4, Chhatrapal Singh, Station House Officer, Police Station, Kishani, District-Manpuri, and registered as Case Crime No. 283 of 2026 under Sections 8, 20, 25, 29, 60 (3) of NDPS Act, Police Station-Kishani, District-Mainpuri.

6. On the matter being taken up, the learned counsel for petitioner submits that co-accused Pinkal Bhaghel had approached this court by means of Criminal Misc. Writ Petition No. 25154 of 2026 (Pinkal Baghel Vs. State of UP and 3 others. Aforesaid writ petition was disposed of finally vide order dated 14.10.2026. For ready reference, the order dated 14.10.2026 is reproduced here in below:-

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

The present writ petition has been preferred with the prayer to quash the impugned First Information Report dated 29.06.2026 registered as Case

Crime No. 283 of 2026, under sections 8, 20, 25, 29, 60(3) NDPS Act, Police Station- Kishani, District - Mainpuri, and for a direction to the respondents not to arrest the petitioner in pursuance of impugned First Information Report.

60 Kg. ganja has been allegedly recovered from co-accused Gautav Prapap Singh. He has been named in this case by the co-accused. With regard to the allegations made in the F.I.R., investigating officer of the police is investigating the matter.

After hearing the rival contentions, totality of facts and circumstances of this case and in view of the judgment passed by Division Bench of this Court in Criminal Misc. Writ petition No. 7463/2024 (Shobhit Nehra Vs. State of U.P.), the above noted writ petition is disposed of directing the investigating officer to conclude the investigation of this case within period of 90 days.

During the period of investigation and till cognizance is taken on the police report by the court concerned, the petitioner shall not be arrested.

In case of non-cooperation with the police investigation by the petitioner, it shall be open for either of the respondents to file recall application of this order. "

7. On the above premise, the learned counsel for petitioner submits that since co-accused has already been granted the benefit of arrest of stay during the pendency of investigation, therefore, similar protection be extended in favour of petitioner also. In support of aforesaid submission, he has relied upon the judgment of Supreme Court in **Vishnu Traders Vs. State of Haryana, 1995 Supp (1) SCC 461.**

8. Par contra, the learned AGA representing State/respondents 1, 2 and 3 has vehemently opposed the present writ petition. Learned AGA submits that since upon perusal of impugned FIR commission of a cognizable offence is clearly disclosed, therefore, no indulgence be granted by this court in present writ petition. However, the learned AGA could not dislodge the factual and legal submissions urged by the learned counsel for petitioner with reference to the record at this stage.

9. Be that as it may, having heard the learned counsel for petitioner, the learned AGA representing State/respondents 1, 2, 3 and upon perusal of

record, we find that the case of present petitioner is similar and identical to that of co-accused Pinkal Baghel.

10. In view of above, present writ petition shall stand disposed of finally on the same terms and conditions as provided in the order dated 14.10.2026 of this court.

November 2, 2026
YK

(Dr. Ajay Kumar-II,J.) (Rajeev Misra,J.)

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