



2026:AHC:58968-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. WRIT PETITION No. - 5350 of 2026

Kishan Singh @ Anna

.....Petitioner(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Kuldeep Singh Chahar
Counsel for Respondent(s)	:	G.A.

Court No. - 48

HON'BLE RAJIV GUPTA, J.
HON'BLE DR. AJAY KUMAR-II, J.

1. Heard learned counsel for the petitioner, learned AGA for the State and perused the record.
2. The instant writ petition has been filed by the petitioner with the prayer to quash the impugned F.I.R. dated 20.12.2025 giving rise to Case Crime No. 0354 of 2025, under Sections 8/20/29 of N.D.P.S. Act, Police Station Kirawali, District Pashchimi (Commissionerate Agra).
3. Perusal of the impugned F.I.R. shows that the F.I.R. in the instant case has been registered on the basis of recovery of 193 Kg of *Ganja* and as per the allegations made therein, it is alleged that an information was received by the informer that one Jakariya @ Jaka, resident of Vrindavan, Mathura, alongwith his associates Kishan Singh @ Anna (present petitioner) and Yogesh Chahar are indulging in illegal smuggling of *Ganja* and through the petitioner- Kishan Singh @ Anna, the said contraband substance (*Ganja*) has been brought in, which has been concealed somewhere near the Leather Park falling in the jurisdiction of the Police Station Kirawali.
4. Again on 19.12.2025, another information was received from the informer that the accused Jakariya @ Jaka alongwith Kishan Singh @ Anna and Yogesh Chahar, having different mobile numbers, are indulging in illegal smuggling of contraband article (*Ganja*).
5. It is further alleged that Kishan Singh @ Anna and his brother-in-law Yogesh Chahar had brought in the contraband article (*Ganja*) belonging to Jakariya and was carrying it to the village Jangara,

native place of the co-accused Yogesh Chahar, however, under the fear of interception by the police, they had concealed the said contraband article in the bushes near the gate of the Leather Park, from where, the contraband article is shown to have been recovered, kept in six plastic bags, which was weighed and was found to be 193 Kg and the same was taken into the possession and necessary recovery memo was prepared and based on the same, impugned F.I.R. has been lodged against the petitioner under the provisions of N.D.P.S. Act.

6. Learned counsel for the petitioner has submitted that the petitioner is wholly innocent and has been falsely implicated in the present case due to ulterior motive.

7. Learned counsel for the petitioner has next submitted that from the allegations made in the impugned F.I.R., prima facie no offence, whatsoever, is disclosed against the petitioner and as such, impugned F.I.R. is liable to be quashed.

8. Per contra, learned AGA for the State has vehemently opposed the aforesaid prayer of the petitioner and has submitted that on the basis of information given by the informer, which specifically shows the involvement of the petitioner alongwith two other accused persons, huge quantity of contraband article (193 Kg of *Ganja*) in precise has been recovered and taken into the possession.

9. Learned AGA has further submitted that from the allegations made in the impugned F.I.R., involvement of the petitioner is writ large on the face of it and prima facie, offence is clearly disclosed against the petitioner and the matter requires deep probe and thorough investigation.

10. Learned AGA has further relied upon the decision of the Hon'ble Apex Court in the cases of ***Md. Sahabuddin & Ors. Vs. State of Assam : 2012 (119) AIC 45; Union of India Vs. Sanjeev V. Deshpande : AIR 2014 SC 3625; Hira Singh & Ors. Vs. Union of India & Ors. : AIR 2020 SC 3255; and State of Punjab Vs. Rakesh Kumar : AIR 2019 SC 84*** and in view thereof, no interference at this stage is required and the instant writ petition is also liable to be dismissed.

11. Having considered the rival submissions made by learned counsel for the parties and taking into consideration the specific

allegation of the involvement of the petitioner in smuggling of huge narcotics substance and the recovery of 193 Kg of contraband article, which has been taken into the possession by the police and due recovery memo has been prepared, clearly indicating the involvement of the petitioner in the present case, as such, we are of the opinion that prima facie, offence is clearly disclosed against the petitioner.

12. Further, keeping in view the law laid down by the Hon'ble Apex Court as discussed in the preceding paragraphs and the submissions made by learned AGA for the State and keeping in view the seriousness and gravity of the offence, we are of the opinion that the impugned F.I.R., which clearly discloses cognizable offences against the petitioner, cannot be nipped in the bud at this nascent stage, particularly looking to the huge recovery.

13. In view thereof, the prayer for quashing the impugned F.I.R. is wholly misconceived at this stage and is therefore refused.

14. The instant writ petition lacks merits and is accordingly **dismissed.**

March 23, 2026

Nadim

(Dr. Ajay Kumar-II,J.) (Rajiv Gupta,J.)