



HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 5629 of 2026

Arshad @ Qazi Mohammad Arshad

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Sheikh Obaidullah
Counsel for Opposite Party(s)	:	G.A.

Court No. - 81

HON'BLE VIVEK KUMAR SINGH, J.

1. Heard learned counsel for the applicant and learned AGA appearing for the State respondents.
2. Present application under Section 528 B.N.S.S. has been preferred for quashing the entire proceeding of Criminal Case No. 199 of 2023, arising out of chargesheet dated 29.12.2022 submitted in Case Crime No. 235 of 2022, under Section 5, 7, 25, 25(1)(a), 25(4), 25(5), 26(1), 26(2), 35 of Arms Act, 1959, and Section 34 of I.P.C., P.S. Bilariyaganj, District Azamgarh, as well as cognizance and summoning order dated 19.01.2023, pending before the Judicial Magistrate, Court No. 24, Azamgarh.
3. It is contended by learned counsel for the applicant that the applicant has been made accused in the present case only on the basis of confessional statement of co-accused Aftab Alam. Applicant was not spot arrested. During the course of investigation, statement of another co-accused Mainuddin Sheikh, was recorded who stated that he had handed over one country made pistol to the applicant and they are running business of selling of country made pistol with the help of applicant. No other person except the aforesaid co-accused, has taken name of the applicant. It is also submitted that the applicant is being prosecuted without obtaining sanction from the District Magistrate. Sanction was obtained against the co-accused Aftab Alam.
4. *Per contra*, learned A.G.A. opposed the prayer and stated that the applicant was actively involved in the alleged offence. The applicant

participated in the crime. The chargesheet was also submitted against the applicant. It is also submitted that Section 3 of Arms Act, was not imposed upon the applicant, therefore, there is no requirement to take sanction against the applicant.

5. Matter requires consideration.

6. Issue notice to opposite party no. 2 returnable at an early date.

7. The opposite parties may file their counter affidavit within six weeks.

8. Rejoinder affidavit may thereafter be filed within two weeks.

9. List thereafter.

10. Till the next date of listing, further proceedings of aforesaid case shall remain stayed against the applicant only.

(Vivek Kumar Singh,J.)

February 18, 2026

A.P. Pandey