

AD. 47.
February 2, 2021.
MNS.

W. P. A. 2954 of 2021
(**Via video conference**)

Sidhant Kumar Singh
Vs.
The State of West Bengal and others

Mr. Arindam Jana,
Mr. Sabyasachi Mukherjee,
Mr. Soumajit Chatterjee,
Mr. Bibek Dey

... for the petitioner.

Mr. Rana Mukherjee,
Md. Sabir Ahmed

...for the respondent-authorities.

The petitioner contends that the petitioner's father and uncle, namely, Shew Narayan Singh and Rana Pratap Singh, are in custody as under-trials in an offence under the Narcotic Drugs and Psychotropic Substances Act, 1985.

It is submitted that the said under-trials requested, through the petitioner, for parole to perform the last rites of their father (the petitioner's grandfather), which is taking place in Patna.

It is further contended by the petitioner that all the rites will be over by February 4, 2021 and as such, the grant of parole is extremely urgent.

Learned counsel for the petitioner submits that, since the said under-trials are in custody, the petitioner is moving the writ petition on their behalf.

Learned counsel appearing for the respondent-authorities submits that it is extremely difficult to provide the necessary logistics to escort the said under-trials to Patna and back. to perform such last rites. Moreover, the antecedents and other aspects of the matter have to be looked into.

Although learned counsel for the petitioner places reliance on Section 62 read with Rule 24 of the West Bengal Jail Code, it is evident that parole is not a matter of right, but is a discretionary remedy to be considered by the jail authorities on appropriate yardsticks.

As such, it would be premature for this Court to direct the grant or refuse parole on merits, without looking into the relevant yardsticks for doing so. Yet, in view of the extreme urgency involved, it would be appropriate if the respondent no. 2 decides on the request of the father and uncle of the petitioner to grant parole on the grounds as indicated above.

Accordingly, W. P. A. 2954 of 2021 is disposed of by directing respondent no. 2 to consider the representation filed by the petitioner,

annexed at page- 31 of the writ petition, regarding grant of parole to his father and uncle, within 7 p.m. tonight and to communicate such decision to the petitioner.

In the event the request for parole is granted, the petitioner shall provide the necessary costs for escorting the father and uncle of the petitioner, namely, Shew Narayan Singh and Rana Pratap Singh respectively, as submitted by learned counsel for the petitioner. The respondent no. 2 shall consider the request for parole independently by applying the appropriate legal and factual yardsticks, without being prejudiced in any manner by any of the observations made in this order.

There will be no order as to costs.

Respondent no. 2 shall act on the communication by the learned advocates and/or server copy of this order without insisting upon prior production of certified copy thereof.

Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)