

21.05.2021
Item No. 02
Ct. No. 04
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**W.P.A. 7977 of 2021
(Via Video Conference)**

**Soudip Satpathy
Vs.
The State of West Bengal & Ors.**

Mr. Soumyajit Das Mahapatra.....for petitioner

Mr. Samrat Sen, Assistant Additional Advocate
General

Ms. Sutapa Sanyal.....for State

Mr. Mahapatra, learned advocate appears on behalf of petitioner while Mr. Sen, learned senior advocate, Assistant Additional Advocate General appears on behalf of State.

It appears the writ petition was moved on 4th May, 2021 when coordinate Bench (Moushumi Bhattacharya, J.) passed order, inter alia, directing respondent nos. 3, 4 and 5 to file report in form of affidavit. Respondent no. 4 has filed the report.

On hearing it transpires, petitioner may obtain release of the truck along with its goods and papers upon deposit of the penalty, without prejudice to his rights and contentions, before hearing is given to him. State on the other hand will give petitioner a hearing regarding the penalty. The hearing is to be

given within a fortnight from date. There should be no confusion regarding serving and receipt of the hearing notice.

In event the deposit is made, and upon hearing it is found that a lesser amount is the penalty or there is no penalty, the amount deposited must be refunded forthwith.

The writ petition is disposed of.

(Arindam Sinha, J.)