

Form J(1)

**IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction
Appellate Side**

**Present :
The Hon'ble Justice Bibek Chaudhuri**

CRR 475 of 2022

**Partha Saha & Anr.
Vs.
The State of West Bengal**

**For the petitioner : Mr. S. Chatterjee, Adv.,
Mr. Soumen Chatterjee, Adv.**

Judgement on : 13.12.2022.

Bibek Chaudhuri, J.

The petitioners have prayed for quashing of Charge-sheet No. 501/2021 dated 9th August, 2021 under Section 20(b)(ii)(c)/28/29 of the NDPS Act arising out of Ashoke Nagar Police Station Case No. 122/2021 dated 12th February, 2021 corresponding to NDPS Case No. vide N-21 of 2021 presently pending before the learned Additional Sessions Judge, NDPS Act, 6th Court at Barasat. It is submitted by the learned Advocate for the petitioners that the petitioners were allegedly arrested from a place near Ashoke Nagar Indian Oil Petrol Pump by the officers of STF from a vehicle on 12th February, 2021. It is alleged that huge quantity of narcotic substance was recovered from the said vehicle in which the petitioners were traveling. However, specific case of the petitioners is that they were arrested

from Gopalnagar Rail Gate. They were falsely implicated in this case by the officers of STF. Secondly, owner of the vehicle was not arrested. Thirdly, it is the case of the prosecution that the petitioners collected narcotic substance from a person staying in Orissa. However, the said person was not implicated as an accused in the instant case. In order to prove that the petitioners were arrested from Ashoke Nagar Petrol Pump area, they prayed for CCTV footage of different places and mobile call history of STF officers by filing an application under the Right to Information Act, but the said information was not supplied to the petitioners. It is further submitted that from the mechanical examiners report it is ascertained that there was sitting capacity of only two persons in the vehicle from which narcotic drugs were allegedly recovered, but the prosecution case is that three accused persons were travelling in the said vehicle.

Having heard the learned Advocates for the petitioners and on careful perusal of the entire materials-on-record, this Court is of the considered view that the objections raised by the learned Advocate on behalf of the petitioners cannot be said to be cogent grounds for quashing of charge-sheet.

Accordingly, I do not find any reason to admit the instant revision and the instant revision is summarily dismissed.

(Bibek Chaudhuri, J.)