

02.02.2022.
Court No.13
Item Nos. 3 to 6
ap

**W.P.A. No. 10601 of 2021
(Through Video Conference)
Subrata Das & Anr.
Versus
The State of West Bengal & Ors.
With
W.P.A. No. 6197 of 2021
Suvo Das
Versus
The State of West Bengal & Ors.
With
W.P.A. No. 7351 of 2020
With
CAN 1 of 2020
Sri Nepal Das
Versus
Union of India & Ors.
With
W.P.A. No. 7350 of 2020
With
CAN 1 of 2020
Smt. Sankari Das & Ors.
Versus
The State of West Benal & Ors.**

Mr. Arindam Jana,
Mr. Sabyasachi Mukherjee,
Mr. Soumyajit Chatterjee,
Mr. Bibek Dey,
Mr. Debarati Choudhury,
Mr. Mukesh Khanna.

...For the petitioners in WPA 10601 of 2021.

Mr. Bibek Dey,
Mr. Debarati Choudhury,
Mr. Mukesh Khanna.

...For the petitioner in WPA 6197 of 2021.

Mr. Rajeev Lochan.

...For the petitioner in WPA 7351 of 2020.

Mr. Sabyasachi Mukherjee,
Mr. Bibek Dey,
Mr. Mukesh Khanna.

...For the petitioner in WPA 7350 of 2020.

Mr. Amitesh Banerjee, Id. Sr. Standing Counsel,
Mr. Tarak Karan.

...For the State in WPA 6197 of 2021.

Mr. Sirsanya Banerjee,

Mr. Arka Kumar Nag.
...For the State in WPA 7351 of 2020.

Mr. Joy Chakraborty.
..For the petitioner in WPA 7351 of 2020.

Mr. Y.J. Dastoor, Id. A.S.G.
Mr. Anirban Mitra.
...For the UOI in WPA 7351 & 7350 of 2020.

Mr. Phiroze Edulji,
Mr. Samrat Goswami.
...For the CBI in WPA 7351 & 7350 of 2020.

Mr. Suddhadev Adak.
...For the State in WPA 10601,
WPA 7351 & WPA 7350 of 2020.

Mr. Uttam Basak.
...For the NCB in WPA 7351 of 2020.

**In Re: W.P.A. No. 10601 of 2021 &
W.P.A. No. 6197 of 2021**

The petitioners apprehending arrest and threat to their lives have not been able to stay in their respective residences.

It is submitted that because of posters affixed all over their locality stating that they are drug paddlers, they may be arrested at any point of time by the police. Their family members are already in custody in connection with the some cases.

Mr. Amitesh Banerjee, learned Senior Standing Counsel for the State submits that the Investigating Officer has not found any evidence against the petitioners as of now.

The instant writ petition is, therefore, disposed of, granting liberty to the petitioners to stay in their own residences without fear and in the event of any

apprehension or threat perception, they may approach the Tangra Police Station for appropriate assistance.

It is made clear that this Court has not interfered with the investigation, if any, being carried on against the petitioners.

It is also made clear that Tangra Police Station shall assist the petitioners in entering their houses in the event of any apprehension being expressed in writing to that effect.

The above order is made only in respect of Tangra Police Station cases.

The writ petitions are disposed of.

**In Re: W.P.A. No. 7351 of 2020 &
W.P.A. No. 7350 of 2020**

The writ petitioners express serious apprehension and doubts on the investigation being conducted by Tangra Police Station and/or their transferees, inter alia, under the provisions of the Narcotic Drugs and Psychotropic Substances Act, 1985.

Mr. Dey, learned Counsel appearing on behalf of the petitioner in W.P.A. No. 6197 of 2021 seeks transfer of investigation from the State Police to Central Bureau of Investigation.

Mr. Banerjee, learned Senior Standing Counsel appearing for the State submits that affidavit-in-opposition has been filed and reply thereto has also been used by the petitioners.

In that view of the matter, let these writ petitions stand adjourned and be listed under heading “**Hearing**” in the Monthly Combined List of March, 2022.

This Court records the submissions of Mr. Banerjee that the State has not found reason to arrest or detain the petitioners as of now.

It is ordered that the petitioners shall continue to co-operate with the investigation. In the event affidavits have not been used till date, let the same be filed within a period of two weeks. The Union and the CBI have not filed any affidavit as on date and may do so if so advised.

The petitioners’ prayer for stay of the investigation and for release on bail, is considered and at this stage is rejected.

All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)