

06.12.2022  
Court No.13  
Item No.571  
sp

**WPA 5070 of 2018**

Ratan Kumar Barman  
Vs.  
The State of West Bengal & Ors.

Mr. Biswarup Biswas,  
Mr. Sayantan Hazra

....for the petitioner

Mr. Puspendu Chakraborty,  
Mr. Suman Dey

...for the HPCL

Successive orders have been passed in the instant proceeding by a Co-ordinate bench of this Court holding that the petitioner was lawfully transporting against the cylinder and other materials belonging to the HPCL for distribution in the area at the instance of the HPCL.

State is not represented.

Since the Gas Cylinder is the property of the HPCL, the Dhupguri Police Station shall return the Gas Cylinder and other properties of the HPCL lying in their custody.

It is clarified that this Court has not entered into the merit of the FIR registered against the petitioner.

Appropriate remedies in this regard may be sought before an appropriate civil forum. Stay of the proceedings under the Essential Commodities Act, is made absolute.

With the aforesaid observations, the instant writ petition shall stand disposed of.

There shall be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

**(Rajasekhar Mantha, J.)**