

27-09-2022
ct no. 13
Sl. 2
sp

WPA 16143 of 2022

Sk. Akbar (In Jail)
-Versus-

The State of West Bengal & Ors.

Mr. Malay Bhattacharya,
Mr. Dipakar Sardar,
Mr. Subhrojyoti Ghosh
...for the petitioner

Mr. Nilotpal Chatterjee,
Mr. Debapriya Chatterjee
....for the State

The petitioner is aggrieved by the procedure of arrest and detention under the provisions of the NDPS Act. It appears that the petitioner was arrested by the Jagaddal Police Station and an FIR being No. 311 of 2022 dated May 12, 2022 was registered under the provisions of Section 21C of the NDPS Act. Commercial quantity of codeine mixture was recovered from the petitioner.

The petitioner complains of a set up and an illegal arrest and detention. It is also argued that there are contradictions in the FIR as regards the GD Entry, the time when the petitioner was picked up by the Titagarh Police Station and detained by the Jagaddal Police Station. The petitioner has been declined bail by the NDPS Court in May, 2022.

Having carefully considered the materials on record, this Court is not inclined to exercise any jurisdiction under Article 226 of the Constitution of India. The remedy open to the petitioner under the Cr. P.C. and the NDPS Act may be availed.

The allegations made by the petitioner against one Rajesh Midya of the Jagaddal Police Station, do not appear to be extremely serious or substantiated at this stage. However, the Jagaddal Police Station and Mr. Midya are advised to act with more caution and follow the provisions of law strictly at the time of the enforcement of law.

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

There shall be no order as to costs.

The personal presence of Mr. Midya is dispensed with.

Instructions of the Jagaddal Police Station including the memo of arrest addressed to State advocate dated August 10, 2022 are kept with the record.

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

(Rajasekhar Mantha, J.)

