

30.06.2022
Court No. 19
Item no.02
CP

W.P.A. No. 17578 of 2021

Freedom & Freedom Broking & Trading Limited
Vs.
The State of West Bengal & ors.

Ms. Manju Agarwal
Mr. Bajrang Manot

...for the petitioner.

Ms. Chaitali Bhattacharya
Mr. Kartik Chandra Kapas

...for the State.

The petitioner alleges overt act of the police authorities. The allegation is that the documents and machinery of the petitioner has been seized by the police authorities, illegally. That the accused in the criminal cases which are pending against some persons, namely, Sujit Hazra and others, could not be tagged with the business of the petitioner.

It is further submitted that some electrical goods of the petitioner including computers and monitors, have been wrongly seized from the office of the alleged dealer in course of the investigation. That the police authorities have been unnecessarily harassing the petitioner and have sealed the business of the petitioner, although the FIR would disclose that there are no direct allegations against the petitioner.

The petitioner prays that the silver coins and the seized articles etc. which have been seized from the dealers/distributors be returned to the petitioner. The business of sale of 999 silver coins via online mode be permitted and the petitioner be permitted to carry on the regular business on the basis of the permits and licences granted by the appropriate authority.

Upon hearing the petitioner, this court was of the view that the State respondents must submit a report indicating the culpability of the petitioner in the cases which are pending trial.

Today, a report has been filed before this court from which it appears that on information that gambling was going on, the police authorities raided the location on February 5, 2020. Certain seizures took place which were connected with the gambling activity. The gamblers were arrested and Burdwan PS Case No. 99/2020 dated February 5, 2020, under Sections 3 and 4 of the West Bengal Gambling & Prize Competitions Act, 1957 was initiated. The investigation ended with the filing of a charge-sheet on February 27, 2020. The matter is pending trial.

Again on March 10, 2021 over an information received of a online gambling lottery, a raid was conducted by the police authorities at the place where such gambling activity was carried on and

seizures were made of all the articles which were used for such lottery. Smart pay back plastic cards issued by the Freedom & Freedom Broking & Trading Limited were also seized. The arrested persons failed to produce documents of authorization with regard to such online lottery. Burdwan PS Case No. 172/2021 dated March 10, 2021 was registered under Sections 3 and 4 of the West Bengal Gambling & Prize Competitions Act, 1957, which also ended in the filing of a charge-sheet.

During the investigation of the above cases, it is contended by the police authorities that neither any materials nor any documents were seized from the office of the Freedom & Freedom Broking & Trading Limited nor did the police authorities raid the office of the Freedom & Freedom Broking & Trading Limited. The allegation of sealing the office of the Freedom & Freedom Broking & Trading Limited has been vehemently denied. It is submitted that one of the persons who were arrested and claimed to be a dealer of the petitioner prayed for return of the seized articles before the jurisdictional magistrate. Such prayer was rejected on August 17, 2021.

The FIR discloses that the raid and the accused were connected to 'New Tara Ma Lottery Agency' which was situated at Burdwan. The raids were conducted at Mehedibagan, Joramandir and

Baranilpur Bazar. None of those persons at these places could produce any authentic documents which would prove that they had been authorized under the law, to conduct the online lottery.

As it is the specific case of the police authorities that they have not disturbed the petitioner, nothing further remains to be decided in the writ petition. The prayer for return of the seized articles has already been rejected by the jurisdictional Magistrate and charge-sheets have been filed with regard to the investigations.

It is the categorical submission of the police authorities that they have neither raided the offices of the Freedom & Freedom Broking & Trading Limited nor have they seized any articles from the officer of the Freedom & Freedom Broking & Trading Limited. Thus, the writ petition does not merit further consideration.

This order shall not have any impact on the pending trials or shall not limit the right of the police authorities to take action if further reports of online gambling is received.

With the above directions, the writ petition is disposed of.

There shall be no order as to costs.

Parties are to act on the server copy of this order.

(Shampa Sarkar, J.)