

08-06-2023  
ct no. 13  
sl. no. 3  
sp

**WPA 4022 of 2023**

Md. Rafik

**-Versus-**

The State of West Bengal & Ors.

Mr. Partha Pratim Das,  
Mr. Avijit Dev

...for the petitioner

Mr. Amal Kr. Sen,  
Mr. Lal Mohan Basu

...for the State

1. In terms of this Court's order dated June 5, 2023, the Titagarh Police Station has filed a report dated 07.06.2023, which is taken on record.
2. The actual location of the petitioner on November 19, 2022 from 5.56 p.m. when he claims that the Inspector-in-Charge, Titagarh Police Station, Mr. Samit Mondal, called him to the Police Station and he was taken in a police jeep at about 5.58 p.m. and detained thereat throughout the night, has not been addressed by the Titagarh Police Station.
3. In the application made for bail before the Additional District Judge, Barrackpore being NDPS Case No. 103/2022 arising out of Titagarh Police Station Case No. 687/2022 dated 20.11.2022, the writ petitioner had already made similar contention of being detained in the

custody of the Titagarh Police Station from 5.56 p.m. on November 19, 2022.

4. The petitioner therefore could not be found with the contraband on 20.11.2022 at a different location.
5. The learned District and Sessions Judge-in-Charge, by rejecting the petitioner's bail in his order dated June 5, 2023, has not even remotely addressed the said contention.
6. This Court, therefore, directs the petitioner's application for bail filed before the Sessions Judge being NDPS Case No. 103/2022 to be considered afresh by the Special Judge, NDPS, Barrackpore.
7. The police and/or the petitioner may produce his mobile location, address particulars, and the tower details indicating the petitioner's location on November 19, 2022 from 5.56 p.m. and until arrest on 20<sup>th</sup> November, 2022.
8. The Sessions Judge shall call for the necessary records from the mobile service provider if the police do not produce the same. The concerned mobile service provider shall extend all co-operation and strictly comply with this order. The mobile number of the petitioner shall be provided to the police as also a supplementary

affidavit that may be filed by the petitioner before the Special Court, NDPS, Barrackpore.

9. It is ordered that the Special Court shall consider and dispose of the petitioner's application within a period of 2 weeks from date.
10. Let a copy of the order be communicated to the mobile service provider by the petitioner. A detailed reasoned order shall be passed by the Special Court, while reconsidering and disposing of the petitioner's application for bail, being NDPS Case No. 103 of 2022.
11. The Special Court shall proceed with the matter based on the evidence before it, uninfluenced by any observations made by this Court.
12. With the aforesaid observations, the instant writ petition shall stand disposed of.
13. There shall be no order as to costs.
14. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

**(Rajasekhar Mantha, J.)**