

04.04.2023.
Court No.13
Item No. 11
ap

W.P.A. No. 19051 of 2022

**Sirifa Bibi @ Shirifa Bibi
Versus
Union of India & Ors.**

Mr. Soumyajit Das Mahapatra,
Mr. Tapodip Gupta.

...For the petitioner.

Mr. Raja Saha,
Mr. Prantik Garai.

...For the State.

Mr. Sauvik Nandy,
Ms. Sarda Sha.

...For the UOI.

The petitioner complains of violation of the Guidelines of the Hon'ble Supreme Court in the case of D.K. Basu – Vs. – The State of West Bengal reported in (1997) 1 SCC 416, against his arrest and detention in custody.

Counsel for the State, Mr. Saha, has placed the case diary before this Court.

FIR N.D.P.S. Case No. 162 of 2022 dated 21st May, 2022 under Sections 21(c)/29 of the N.D.P.S. Act has been registered against the son of the petitioner for having commercial quantity of 25 bottles of phensedyl. He submits that the petitioner was apprehended originally by the Company Commander, BSF at Lalgola and was thereafter handed over to Lalgola Police Station and was rearrested.

Investigation has been completed and charge-sheet No. 387 of 2022 dated 6th November, 2022 has been filed against the petitioner.

It appears from the case diary that the petitioner has also given the names of his fellow associates involved in the smuggling of Narcotic substance.

In the aforesaid facts and circumstances of the case, this Court is not inclined to interfere in the matter. The other remedies available to the petitioner are left open to be pursued.

On the subject of the CCTV Footage of Lalgola Police Station, it is submitted by Mr. Saha that the service provider of the CCTV Cameras in Murshidabad District is M/s. WEBEL has stated that CCTV Footage for the period from 20th May, 2022 to 23rd May, 2022 could not be preserved for having exceeded storage capacity of more than 30 days.

This explanation is unacceptable to this Court.

The Superintendent of Police, Murshidabad shall look into the matter since the dicta of the Hon'ble Supreme Court of India and the repeated orders of this Court have directed preservation of the CCTV Footage of Police Stations, for a minimum period of one year.

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

There will be no order as to costs.

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.*)