

23.03.2023
Court No.13
Item No.16
PK

WPA 21077 of 2022

Safina Sk.
Vs.
The State of West Bengal and Ors.

Mr. Ranjit Singh
Mr. Rahul Ganguly

... For the petitioner.

Mr. Amitesh Banerjee
Mr. Suddhadev Adak

... For the State.

The CID, West Bengal has submitted a further report under the signature of the Deputy Superintendent of Police dated 20.03.2023. The report is fair, independent and very meticulous. This Court appreciates the same.

Paragraph 6 of the report is set out herein below:

“6. During enquiry perused the Case docket of Domjur PS Case No. 419/21 Dt. 18/06/21 U/s 20 (b)(I)C NDPS act, 1985 and it is noticed that some omission have occurred during raid and investigation.

- I) The arresting officer did not take any signature of the witnesses in memo of arrest Col. No.10 though signatures of two witnesses are present in seizure list.*
- II) The complainant of the case did not send the information or copy of his written belief to his superior as per section 42(2) NDPS Act, 1985. But he had sent a letter to superior officer after arresting the accused.*
- III) The complainant of the case did not issue requisition of Gazetted Officer Sri. Madhusudan Mukherjee IC Sankrail PS during raid as per section 50(2) NDPS*

Act, though he was present during the search and seizure and put his signature as Gazetted Officer. He was informed over phone as stated by him.

- IV) The Complainant of the case took 100 gram sample of seized Ganja instead of stipulated 24 grams.*
- V) IO of the case neither recorded the statement of THG Md. Nayan Ali U/s 161 Cr.P.C. (driver of Govt. vehicle no. WB 23C 6501) nor seized the certified copy of car diary during the investigation.*
- VI) During the police remand period of the accused further search of any documents, seizure of any other property obtained through drug trafficking or any other evidence of his involvement in drug trafficking was not collected or effort made.”*

The aforesaid omissions are grounds enough for enlarging the petitioner and setting him on liberty.

The petitioner’s son, Sk. Sabir @ Ladla shall be released from custody upon furnishing a bond of Rs.15,000/- (Rupees fifteen thousand only) with two sureties of like amount each, one of whom must be local to the satisfaction of the Special Court and on the terms indicated by such Court and on further condition that while on bail, the petitioner’s son, Sk. Sabir @ Ladla shall not leave the jurisdiction of Domjur Police Station without the leave of the Special Court.

The writ petitioner, in addition to the bond and sureties indicated herein above, shall also furnish a personal bond to the Special Court.

The writ petitioner's son shall undertake to appear before the Special Court on every date fixed.

In the event, the petitioner's son fails to comply with the conditions as enshrined herein above, the bail granted to the petitioner's son herein above shall stand cancelled.

The cancellation may be ordered by the court below on the above and any other grounds in accordance with law.

The writ petition is disposed of.

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

(Rajasekhar Mantha, J.)