

10 05.10.2023
NB Ct. 14

WPA 21021 of 2023

Salam Sk.
Vs.
The State of West Bengal & Ors.

Mr. Arindam Jana,
Mr. Sumanta Das,
Mr. Partha Pratim Sinha.
...for the petitioner.

Mr. Suman Ghosh.
...for the State.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is an accused in a case under the NDPS Act. He has been falsely implicated in the case. He was apprehended from a totally different place in Nadia and was thereafter taken to Murshidabad on 02.02.2023 from where the alleged seizure was shown. The only prayer of the petitioner is that the investigation may be done properly. Near the place from where he was illegally intercepted there is a CCTV camera. At least the footage from the said camera be seized by the investigating agency. The petitioner is having a CCTV footage of him being dragged into a Bolero car in front of a Samity.

Learned counsel appearing on behalf of the State relies on the report filed earlier and submits as follows. Upon instructions, it is submitted that an enquiry was made and it was found that there was no CCTV camera at the place from where the petitioner was arrested. However, the entire procedure of search and seizure has been videographed. About 985gms. of heroine was seized from the accused. In

fact, the petitioner is a habitual offender. The petitioner had to be shown arrested in connection with Kanksa Police Station Case No.23 of 2023 dated 18.01.2023.

The points taken up by the petitioner are essentially his defence that he would be entitled to take during trial, if the same ensues.

However, let a copy of the CCTV footage, which is already there in possession of the learned counsel for the petitioner be handed over to the learned counsel for the State to be seized by the investigating officer of the case.

Let the Investigating Officer of the case investigate into the genuineness and the context of the footage contained in the pendrive.

The Investigating Agency shall conclude the investigation expeditiously and in accordance with law.

Therefore, no further order need be passed in this regard.

With these observations, the writ petition is disposed of without any costs.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)