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19.12.2023
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Ct 14

WPA 24002 of 2023

Abdul Gani @ Abdul Goni

-vs-

The State of West Bengal & ors.

Mr. Ayan Kumar Boral

...for the petitioner

Mr. Rajarshi Basu

Mr. K. M. Hossain

...for the State

Affidavit of service filed on behalf of the petitioner is taken on record.

Report filed on behalf of the State is also taken on record.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner runs a valid business under a license issued to him. He deals with fire works. All of a sudden, on 03.09.2023 police officers from the local police station raided the petitioner's factory and illegally seized different fire crackers and other similar articles. This is a case of police excess. The police have without any valid reason seized those articles belonging to the petitioner and are preventing the petitioner from carrying out his business.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. The police have validly instituted a case against the petitioner for, inter alia, dealing in banned fire crackers. The petitioner has clearly acted

beyond the license granted to him. Accordingly, Duttapukur Police Station Case No. 909 dated 03.09.2023 was started under Section 286 of the Penal Code and Sections 24 and 26 of the West Bengal Fire Services Act and Section 9 (b) Indian Explosive Act. The petitioner, however, is absconding.

It appears that the police instituted an FIR and thereafter, seized purportedly offending articles from the factory of the petitioner.

Therefore, it shall be open to the petitioner to pray for release of those articles before the Criminal Court in accordance with law.

No further order need be passed in this regard.

With these observations, the writ petition is disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Jay Sengupta, J.)