

15.03.2024
sayandeep
Sl. No. 21
Ct. No. 14

WPA 7041 of 2024

Md. Anarul Islam
-versus-
The State of West Bengal & Ors.

Mr. Mrityunjoy Chatterjee
Mr. Manas Das

..... for the petitioner

Mr. Ansar Mandal
Mr. Hasibul Islam
Ms. Somashree Dey

.....for the State

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

Learned counsel appearing for the petitioner submits as follows. The petitioner is not the person who has actually been accused of an offence under the NDPS Act. Yet, the police are hounding him. This issue was taken up in an application under Section 438 of the Code of Criminal Procedure but had to be not pressed because of the question of mismatch of identity involved.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. A prima facie case is made out against the accused as would be evident from the plaint reading of the FIR. The petitioner was compelled to withdraw his application for anticipatory bail before the Division Bench of this Court. Proclamation and attachment have also been issued against the accused.

This issue involving disputed questions of fact can hardly be agitated by way of a writ petition, especially after rejection of the petitioner's application for anticipatory bail by a Division Bench of this Court.

If the petitioner is not the person whom the police are looking for, it shall be open to him to approach the concerned police with necessary identity documents, who would take appropriate steps thereafter.

With these observations, the writ petition is disposed of, however, without any order as to costs.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Jay Sengupta, J.)