

April 15, 2024
AD 12
Ct. No.14
SG

WPA 9089 of 2024

Tapan Midya and others
vs.
The State of West Bengal and others

Mr. Rajdeep Majumder
Mr. Moyukh Mukherjee
Ms. Sagnika Banerjee
... for the petitioners.
Mr. Amitesh Banerjee
Mr. Santanu Mitra
Mr. Subhabrata Das
... for the State.

It appears that an inadvertent typographical error had crept into the order dated 09.04.2024 passed by this Court.

At the fifth line of the last page of the said order sheet, instead of “N.I. Act”, it should actually be “N.I.A. Act.”

The order dated 09.04.2024 is hereby corrected and shall always be read conjointly with this order.

Report filed by the State is taken on record.

A categorised list of cases filed by the petitioners is also taken on record. A copy of the same be handed over to the learned counsel for the State.

Learned senior counsel representing the State submits that out of the nine cases which are still pending investigation into offences under the provisions of Explosive Substances Act, Section 6 has been complied with in as many as six cases. In the other cases, compliance would be done in a matter of days.

It is indeed quite surprising that at least 19 cases had been started between 2021 and 2023 where the provisions of Explosive Substances Act were imputed. Yet, charge-sheet could be filed under such sections in the provisions of Explosive Substances Act.

In this regard the petitioners have contended that these cases were made to look more serious than they were so that the persons who were arrested could be kept in custody for some time on such pretext.

Be that as it may, it appears from the lists of cases pending against the present petitioners that there are cases where offences carry maximum imprisonment can be 7 years. In this case, the State would have to comply with the ratios laid down in *Arnesh Kumar vs State of Bihar*, (2014) 8 SCC 273 and in *Satender Kumar Antil vs. CBI and another*, reported in (2022) 10 SCC 51.

So far as the other cases mentioned in the list given by the petitioners are concerned, they shall be at liberty to seek necessary relief including applying for anticipatory bail within a period of 5 weeks from this date. Till that date the police authorities shall not arrest the petitioners.

With these observations, the writ petition is disposed of.

Parties shall act on server copy downloaded from the official website of this Court.

[Jay Sengupta, J.]

