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11.06.2024
d.p.

**In The High Court At Calcutta
Constitution Writ Jurisdiction
Appellate Side**

W.P.A. 14803 of 2024

**Afroz Khan
-versus
Central Bureau of Investigation (CBI) & Ors.**

**Mr. Tapas Kumar Ghosh,
Mr. Tanmoy Chowdhury.
...For the Petitioner.**

**Mr. Amitesh Banerjee,
Sr. Standing Counsel,
Mr. Tarak Karan,
...For the State.**

Affidavit-of-service filed in Court today is taken on record.

The petitioner prays for a direction for transfer of investigation of the criminal cases pending against him being Dubrajpur Police Station Case No. 306 of 2023 dated 12th December, 2023 under Sections 399/402 of the Indian Penal Code and Sections 25/35 of the Arms Act, Dubrajpur Police Station Case No. 126 of 2024 dated 29th April, 2024 under Section 25A(I) of the Arms Act and Dubrajpur Police Station Case No. 129 of 2024 dated 4th May, 2024 under NDPS Act under Sections 21(c)/29 of the NDPS Act to the Central Bureau of Investigation.

According to the petitioner, he has been implicated in several false cases. There are complaints lodged by and on behalf of the petitioner before the police authority even prior to the steps being taken

against him by the police. According to the petitioner, the police is planting cases against him in a mala fide and motivated manner.

Learned advocate appearing on behalf of the State respondents submits, upon instructions, that the petitioner has already been convicted in a criminal case and was temporarily out on bail in terms of the order passed by this Hon'ble Court during pendency of the appeal.

Thereafter, the petitioner was arrested in connection with dacoity, offences under NDPS Act and Arms Act. The petitioner right now is in judicial custody in compliance with the direction passed by the learned Judge, Special Court under NDPS Act, 1st Court, in-Charge Suri.

I have perused the documents annexed to the writ petition and upon hearing the submissions made on behalf of the parties am of the opinion that no case has been made out by the petitioner to transfer the investigation to a different agency. It will be open for the petitioner to approach the competent Court for bail or any further relief which the petitioner seeks.

The Court is not inclined to exercise jurisdiction in this matter under Article 226 of the Constitution of India.

The writ petition stands disposed of.

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

(Amrita Sinha, J.)