

Srl. No.9
25.01.2024
SB-III
SH

**Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Jurisdiction**

W.P.A 2164 of 2023

**Ranjeet Kumar Poddar
-versus
The State of West Bengal & Ors.**

**Mr. Sandipan Ganguly, Sr. Adv.
Mr. Avrojoyti Das
Mr. Arkadeb Bhattacharjee
Ms. Hillol Saha Poddar
Mr. Rajdeep Das
... for the petitioner.**

**Mr. Hirak Barman
Mr. Momenur Rahman
... for the State.**

The matter relates to the Falakata Police Station Case No. 156 of 2023 dated April 16, 2023 under Sections 379/411/414 IPC, Dhupguri Police Station Case No. 219 of 2023 dated May 3, 2023 under Sections 379/411/34 IPC and the Moynaguri Police Station Case No. 172 of 2023 dated May 12, 2023 under Sections 379/411/414 IPC.

The trucks of the petitioner carrying areca nuts were intercepted and the goods were impounded. The goods were later on released upon bonds as per the order passed by the learned Court below.

The petitioner submits that in view of the act of the respondent authorities, the fundamental rights of the petitioner as enshrined in Articles 19 and 21 of the Constitution of India are being infringed.

The petitioner prays for a direction to be passed upon the seizing authority to verify the details of the

goods that are being transported prior to causing any seizure.

Learned advocate representing the State respondents opposes the prayer of the petitioner. It has been submitted that an omnibus order ought not to be passed by the Court.

The submission of the petitioner alleging infringement of fundamental rights cannot be redressed in the manner as prayed for. The petitioner does have a right to carry on business provided the same is in accordance with the provisions of law and subject to the restrictions as mentioned in law. The goods of the petitioner were intercepted by the authorities upon reasonable suspicion. The same has been released upon furnishing bond as per the order passed by the learned Court below.

Three different cases are pending before the learned Court below. Only one order cannot be passed directing the respondent authorities to act in a particular manner. In the event the goods transported by the petitioner are intercepted by any of the police stations or the seizing authority, the petitioner ought to approach the competent Court for necessary relief as and when the petitioner faces any issue in the hands of either the police or the seizing authority.

The writ petition stands disposed of.

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

(Amrita Sinha, J.)