

**CALCUTTA HIGH COURT IN THE CIRCUIT BENCH
AT JALPAIGURI**

**24
23.12.2024
adeb**

WPA 2569 of 2024

**Jaydeep Das
Vs.
The State of West Bengal & Ors.**

**Ms. Tanuka Basu
Ms. Shristi Sarkar
Mr. Satyajit Paul**

...for the petitioner

**Mr. Pretam Das
Ms. Bebashruti Bose**

...for the State

Matter is heard at length in presence of the learned advocates representing the petitioner and State-respondents. Pursuant to the order dated 20th December, 2024 a report has been filed by the Officer-in-Charge, Boxirhat Police Station and same is taken on record.

From the report it appears that Transit Pass-cum-Coal Challan issued by the Department of Geology and Mining, Nagaland; documents showing payment of state tax/royalty and e-way Bill/GST from Nagaland and a challan or Transit Pass duly certified by the authorized officer of the Department of Geology and Mining against payment of royalty permitting the vehicle to pass through all designated

interstate gates, are required to be produced by the driver of the vehicle carrying coal from Nagaland while passing the Border of State of West Bengal. It is submitted that at the time of intercepting the vehicle those documents were not found from the driver of the vehicle.

However, petitioner has relied upon Transit Pass-cum-Challan (TPC) at page 30, Tax Invoice at page 26 and e-way Bill at page 29 of the writ petition. It is also submitted by Ms. Basu, learned advocate representing the petitioner that Standard Operating Procedure as contained in Notification dated 31st May, 2022 issued by the Additional Director and HOD, Directorate of Geology and Mining, Nagaland has been duly complied with while carrying coal by the particular vehicle.

Taking note of the submissions made on behalf of the petitioner relying upon aforesaid documents vis-a-vis report filed by the Officer-in-Charge, Boxirhat Police Station, Coochbehar dated 18th December, 2024 Court grants leave to the petitioner to produce these documents which are annexed to this writ petition and other relevant documents in original before the Investigating Officer by 7 (seven) days from date. On Scrutiny of those original documents if Investigating Officer finds that these

are correct documents the said Investigating Officer shall be at leave to release the vehicle along with coal subject to filing appropriate report in connection with criminal proceeding pending before the concerned Magistrate. The steps which are required to be taken in terms of the leave granted by this Court shall be completed by 4 (four) weeks from the date of submission of the documents by the petitioner.

With the aforesaid observations, writ petition stands disposed of.

There shall be no order as to costs.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)