

WPA 28759 of 2025

Habiba Khatoon Bibi
Vs.
The State of W. B. & Ors.

Mr. Moyukh Mukherjee
Mr. Sobhan Gani
Md. Aqib Badr.
Mr. Shakti Shivam
Mr. Parvej Islam ...for the petitioner.

Mr. Joydip Banerjee
Ms. Sushnita Saha ...for the State.

Report submitted by the State is taken on record.

Heard learned counsels for the parties.

It appears that the petitioner's husband Kabir Sekh was arrested in connection with a case under the NDPS Act. While granting bail to him, an Hon'ble Division Bench of this Court, by an order passed on 13th June, 2022 observed certain disturbing state of affairs and called for a report from the Superintendent of Police, Murshidabad with regard to steps taken by him in connection with the discrepancies in investigation. The Hon'ble Division Bench further directed that the investigating agency would resort to modern technology and videograph the recovery of narcotics. Another complaint under the NDPS Act was subsequently lodged against Kabir Sekh and he was granted anticipatory bail by this Court therein.

The petitioner alleges that in the garb of investigation of the complaints, the police barged into her shop room in the name and style of M/s. Sarwaz Enterprise on 13th December, 2025 and demanded a sum of Rs. thirty thousand, abused her in filthy language and put a padlock to the shop room. The shop room has no nexus whatsoever with the complaints and does not feature in the list of illegally acquired property as recorded by the Competent Authority and Administrator, SAFEM (FOP) A, 1976 & NDPSA, 1985, Kolkata.

Though the report submitted by the State indicates that the shop room was sealed and locked as per order of the Competent Authority following due process of law and to prevent misuse of the premises for unlawful activities, no documents has been produced before this Court to prima facie demonstrate that any such allegedly illegal activity was being done from there or in the shop room or the seizure was made in terms of the order of the Competent Court.

Upon consideration of the material on record, this Court is of the view that since the shop room of the petitioner does not feature in the list of illegally acquired property and does not appear to be a part of the ongoing investigations, there is no explanation/reason why the shop room was sealed and padlock put by the police authority.

In view of the above, the police authority is directed to remove the padlock of the shop room of the petitioner at once and hand over possession of the same to the petitioner.

However, in course of investigation if the police authority lays hands on any incriminating evidence involving the said shop room, the authority shall be at liberty to take necessary steps in accordance with law.

The writ petition is accordingly disposed of.

There shall, however, be no order as to costs.

Since no affidavit is invited, the allegations contained in the writ petition are deemed not to have been admitted.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)