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06.01.2025
GSD

**Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Side**

CRR 1 of 2025

In the matter of: **Md. Safiqur Rahman & Anr.**

.... Petitioner(s)

Mr. Bikramaditya Ghosh
Ms. Supriya Singh
Mr. Swarup Das

... for the petitioner(s)

Learned advocate for the petitioners has challenged the continuation of the proceedings arising out of Falakata Police Station Case No. 381 of 2024 dated 3rd October, 2024 under Sections 303(2)/317(2)/317(4)/336(3)/340(2)/3(5) of the BNS.

Learned advocate for the petitioners argues firstly that the E-way bills which were seized by the police authorities were found to be genuine and the same have been authenticated by the CGST Authorities on inspection.

Learned advocate further contends that the case which has been ought to be made out by the police authorities, at the first blush, was in respect of the areca nuts and betel nuts loaded in the vehicle which did not have any ownership. However, once

ownership was established, the police authorities took up different plea and the same is for reasons being unknown. The owner of the vehicle and the consignor have preferred two writ petitions being WPA 2549 of 2024 and WPA 2555 of 2024, wherein, a Co-ordinate Bench was pleased to pass specific directions.

Learned advocate has specifically drawn the attention of the Court that the Co-ordinate Bench directed the CGST Authorities to file their report within a specific period of time before the learned Magistrate and the CGST Authorities, in fact, submitted the report before the learned Magistrate thereby substantiating the stand of the present petitioners which has been advanced in the present revisional application.

I have considered the submissions advanced by the learned advocate for the petitioners who happen to be the driver and his associate. The investigation of the case is still in progress. The investigating authorities have been cross-checking regarding the origin of the goods as well as the destiny of the goods including the documents which were available at the conveyance at the relevant period of time.

Having considered that the investigation already proceeded more than 90 days, at this stage, I am not inclined to interfere with the investigation of the case as the veracity of the statements; genuinity of

the documents as well as the materials collected by the investigating agency is at the matured stage of investigation.

However, the petitioners would be at liberty to canvass all the issues at the stage after the report under Section 173 of the Cr.P.C. and/or Section 193 of the BNSS is filed before the learned jurisdictional Court.

With the aforesaid observations, CRR 1 of 2025 is disposed of.

Pending application(s), if any, is also disposed of.

Parties to act on a server copy of this order duly collected from the official website of the Hon'ble High Court, Calcutta.

(Tirthankar Ghosh, J.)