

FORM NO. J (2)

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
CONSTITUTIONAL WRIT JURISDICTION**

Present:

THE HON'BLE JUSTICE JAY SENGUPTA

WPA 518 OF 2025

MATIYAR @ MATIAR RAHAMAN

Vs.

THE STATE OF WEST BENGAL AND OTHERS

FOR THE PETITIONER : **MR. SOURAV GANGULY,
MR. BIBEK TARAFDER,
MR. GOPAL ROY,
MS. RISHITA CHAKRABORTY.**

FOR THE STATE : **MS. BEDASHRUTI BOSE,
MS. RIMA SARKAR.**

HEARD ON : MARCH 11, 2025

JUDGMENT ON : MARCH 11, 2025

THE COURT:

1. Learned counsel appearing on behalf of the petitioner submits as follows.
The petitioner was falsely implicated in Dinhata Police Station Case No. 601 of 2024 dated 26th November, 2024 under Sections 20(b)(ii)(C)/27(A)/29 of the Narcotics Drugs and Psychotropic Substances Act, 1985. The facts are quite astonishing. On 25th November, 2024, the petitioner was illegally apprehended by the police from his house at the dead of night. This would be evident from the CCTV footages available from nearby places. The petitioner is having necessary videos with

certifications in terms of Section 64(4)(c) of the Bharatiya Sakshya Adhiniyam, 2023. However, on record, it was shown that the petitioner was apprehended from a different place in the night of 26th November, 2024 along with contraband. All these prompted the Division Bench of this Court to grant the petitioner bail. In that proceeding, the State could not even show that the petitioner had any criminal antecedent.

2. Learned counsel appearing on behalf of the State denies the allegations, relies on the Case Diary and the original G.D. Entry Book and submits as follows. First, the petitioner does have criminal antecedent and there was a criminal case under the NDPS Act started against him in the year, 2020. Secondly, as would be evident from a plain reading of the G.D. Entry Book Vol. No. 34 for the dates 21st November, 2024 to 1st December, 2024 that the local people had given a mass petition on 21st November, 2024 alleging that the petitioner and his relatives were carrying on illegal activities in the locality including selling addictive items. This prompted the police to come to action. They visited the petitioner's place. The petitioner was brought to the police station on 25th November, 2024. After interrogation, as nothing positive came out, the petitioner was released on PR Bond. All these were recorded in the G.D. Entry Book. It was only much later, on 26th November, 2024, that upon source information, the police visited a place and apprehended the petitioner red-handed with contraband.
3. I had perused the Case Diary as well as the original G.D. Entry Book.
4. It appears that the G.D. Entry Book was maintained properly and was duly paginated. It contains reference to several other informations over a period of time. As such, the same cannot be discarded at this stage.
5. In view of the above, I do not find much merit in the contention of the petitioner that the petitioner was apprehended on 25th November, 2024 and kept in wrongful custody till 26th November, 2024 when a false case was started against him under the NDPS Act showing seizure of

contraband from him. Moreover, these are issues pertaining to disputed questions of fact that can be decided only during trial.

6. Therefore, this Court is not inclined to interfere in the matter at this stage.
7. Accordingly, the writ petition being WPA 518 of 2025 is dismissed, however, without any order as to costs.
8. The petitioner shall be at liberty to take up all points before the Trial Court.
9. Urgent Photostat certified copy of this order, if applied for, be given to the parties upon compliance with all requisite formalities.

(JAY SENGUPTA, J.)