

18.03.2026

Ct. No. 5

Sl. No.4

akd

In The High Court at Calcutta

Circuit Bench at Jalpaiguri

W. P. A. 2729 of 2025

[Prakash Gurung -Vs- The State of West Bengal & Ors.]

Mr. Janardhan Periwai

Mr. Bickey Sharma

... .. for the petitioner

Mr. Pretom Das

Ms. Bedashruti Bose

... .. for the State

1. Affidavit-of-service filed in court today is taken on record.
2. The petitioner has preferred the present writ petition seeking a direction upon the respondent authorities particularly the Inspector-in-charge, Kurseong Police Station and Superintendent of Police, Darjeeling not to harass, heckle, coerce or threaten the life and liberty of the petitioner without any due process of law. The petitioner further seeks a direction permitting him to attend the court proceedings pending against him at Darjeeling.
3. It is the case of the petitioner that due to alleged political rivalry, a case was registered at Darjeeling being Darjeeling Sadar Police Station Case No.213 of 2017 against him. The petitioner has been enlarged on bail in connection with the said case. It is submitted that on 19.12.2025 when the petitioner went to enter his appearance before the court at Darjeeling and was returning therefrom, he was allegedly detained by the respondent nos.3 and 4 from 6.30 P.M. to 8.00 P.M. and was subjected to harassment and coercion without any authority of law.

4. On the basis of the aforesaid allegations, the petitioner has preferred the present writ petition seeking protection against alleged harassment and a direction upon the police authorities to act in accordance with law.

5. Report filed by the Inspector-in-charge, Kurseong Police Station, Darjeeling is taken on record.

6. The report indicates that the petitioner was intercepted on 19.12.2025 at approximately 18.05 hrs. by the Sub-Inspector viz. Sagar Pradhan, Officer-in-charge, Town Out Post, Kurseong at the time of patrolling and routine Naka duty in the Kurseong Town area. It is admitted that the petitioner was sitting in a vehicle bearing registration No. WB74AD-6600. The vehicle was driven by one Prawesh Gurung who was accompanied by the petitioner. The report further indicates that the Sub-Inspector sought reasons from the petitioner for permitting him to enter Darjeeling since this Court in CRM (DB) 149 of 2025 vide its order dated 07.04.2025, while granting bail to the petitioner, had imposed a condition upon the petitioner that he shall not enter Darjeeling district and shall reside at Siliguri though the petitioner had been granted the exception to attend the court in Darjeeling with regard to the cases pending against him. The report also indicates that the petitioner was questioned regarding his visit to Darjeeling since his travel to Darjeeling has been restricted and restrained by this court in CRM (DB) 149 of 2025 by this court vide order dated 07.04.2025. The petitioner indicated that he was present in Darjeeling to attend the court proceedings and the petitioner was immediately released after verifying the said fact by the police authorities.

7. Heard the learned Advocates for both the parties and perused the materials on record.
8. From the report it appears that the petitioner was intercepted and questioned by the police authorities pursuant to the orders passed by this court wherein the presence of the petitioner has been restrained within the district of Darjeeling and that he is permitted to travel to Darjeeling only for the purpose of attending the court proceedings. Nowhere in the report it is evident that the petitioner has been harassed or unduly detained by the police authorities, however, the police authorities shall ensure that in future the petitioner is not taken to the police station for unnecessary questioning at the time of attending the court proceedings.
9. The Officer-in-charge, Town Out Post, Kurseong is directed to ensure that the directions passed by this court in CRM (DB) 149 of 2025 are strictly implemented in letter and spirit and that the petitioner shall not be subjected to any harassment, coercion or inconvenience and that the police authorities shall act strictly in accordance with the directions passed by this court in CRM (DB) 149 of 2025.
10. With the aforesaid directions, the present writ petition is disposed of.
11. Since no affidavits have been filed by the respondents, the allegations made in the writ petition shall not be deemed to have been admitted.
12. Let urgent Photostat certified copy of this order, if applied for, be supplied to the parties on usual undertaking.

(Gaurang Kanth, J.)