

JO Code No. WB00910
TR Case No. 20 of 2024
CNR No.WBHW01-004727-2024

Order No. 48 dated: 30.07.2025.

I/O is present with CD and GD book register.

Ld. P.P. Incharge is present.

Ld. Advocate of the petitioner Mr. Mohit Kumar Agarwala is present.

Ld. Advocate submitted that the petitioner is the owner of the godown situated at Sankrail Industrial Park, under PS Sankrail on the ground floor which has been locked by the police officer while conducting raid in that enclosed place in connection with this case as on 26.09.2024. The petitioner is the owner and he leased out the said godown by virtue of a lease agreement starting from 01.10.2023 for a period of 5 years at the consideration price of Rs.50,000/- per month. The petitioner prays for release of the seized godown.

This court called for a report in respect of the prayer of the petitioner. The report has been submitted by the I/O in respect of release of the seized godown, in which SI Indrajit Das, Sankrail PS stated that he has no objection in releasing the seized godown.

Heard Ld. P.P. Incharge.

Let me peruse the contents of the petition filed by Mr. Mohit Kumar Agarwala dated 23.05.2025 and photocopy of the lease agreement as submitted by the petitioner.

It is admitted fact that the present petitioner Mr. Mohit Kumar Agarwala is a lessor who leased out the godown in favour of the accused Debabrata Das as lessee.

By dint of the execution of lease agreement, the present petitioner has leased out the godown in favour of the accused. Therefore, there is no scope for this court to handover the vacant khas possession of the godown to the petitioner as the present petitioner is not legally entitled to get the possession of the same from this court which does not have the jurisdiction to decide the civil rights involved in between the present petitioner namely Mr. Mohit Kumar Agarwala and the accused Debabrata Das as being lessor and lessee. The possession of the aforesaid godown and the rights of the parties shall be decided by the competent civil court having jurisdiction. Furthermore, the present deed of lease is very much valid till today.

Therefore, this petition as filed by the petitioner namely Mr. Mohit Kumar Agarwala does not have any merit to be entertained by this court and is accordingly rejected.

In this juncture, I asked the I/O as to whether there is any document prepared by the I/O while putting padlock on the said godown/leasehold property which was the alleged place of occurrence. On 23.07.2025 I/O failed to produce any document before this court. I gave an opportunity to the I/O to submit any document in respect of putting padlock on the seized godown during the course of investigation as materials in the CD.

Today I/O brought the original general diary book and drew the attention of the

court to GD entry no. 1981 dated 26.09.2024/27.09.2024.

I perused the entire entry made in the said GD entry bearing no. 1981, in which I find the information received and leaving of the PS by the complainant with force and returned of the complainant after causing search, seizure and arrest in a single GD entry. The handwriting of the first paragraph of the GD entry does not match with the rest part of the GD entry. At the end of the GD entry no. 1981 dated 27.09.2024 it has been written that for safety and security of the godown it has been kept under lock and key after the seizure and if any person claimed the possession or access to the godown in future the legal formality will duly be observed before considering any such request.

However, there is no such mention of this GD in the written complaint. Let me peruse the written complaint from which I find the information was diarised vide Sankrail PS GD entry no. 1949 dated 26.09.2024 and before leaving the PS the left GD reference no. was 1952 dated 26.09.2024. Therefore, the GD entry nos as mentioned in the written complaint does not match with the GD entry no. 1981 which has been shown to me today.

Rather perusing the GD book I find that the GD entry no. 1949 dated 26.09.2024 remains blank. It is more astonishing that complainant did not mention any facts regarding putting padlock on the godown in the written complaint. No document was prepared by the then complainant in respect of putting padlock on the godown. When the godown is locked, it is an act of the complainant and also a part of investigation and it must be documented. When the godown is locked it shall be locked in presence of the witnesses or respectable persons of the locality having witnessing the same.

In this juncture, I/C Sankrial is directed to cause an enquiry in respect of my observation as aforesaid and submit a report by the next date fixed.

Today another petition hearing in respect of defreezing the bank accounts is fixed.

However, the petitioners filed an adjournment petition as they failed to produce requisite documents and necessary papers before the court.

Adjournment is allowed.

The photocopy of the GD entry no. 1981 is kept with the record as submitted by the Ld. P.P. Incharge.

The original GD book be returned along with the CD.

Let a copy of this order be sent to the I/C Sankrail PS for compliance and submit report on and before 11.08.2025.

Judge, Spl Court under NDPS Act,

Dict & corrected by me

Judge, Spl Court under
NDPS Act, Howrah.