

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

WPA 1295 of 2026
With
CAN 1 of 2026

Abhisek Giri alias Guddu Giri
Versus
The State of West Bengal & Ors.

Mr. Prajnadeepta Roy
Ms. Sohini Kundu
Mr. Jaymallya Bhattacharya
... For the petitioner.

Mr. Kunaljit Bhattacharjee, Ld. AGP
Ms. Shanghai Choudhury
... For the State.

1. The present writ petition has been filed praying for a direction upon the respondents to initiate independent judicial enquiry into the police over action and the illegalities committed during the investigation.
2. When the matter was taken up for consideration this Court by an order dated 23rd July, 2026 directed the Officer-in-Charge of Bhaktinagar Police Station to file a report in the form of an affidavit.
3. Pursuant to such direction, a report in the form of an affidavit has been filed, which is taken on record.
4. From the aforesaid affidavit it would transpire that on 22nd June, 2026 at about 16:35 hours after receiving reliable source information regarding illegal possession and sale of narcotic substances by the petitioner, a raid was conducted. Upon completion of the raid, a written complaint was lodged by the Inspector-in-Charge,

Bhaktinagar Police Station and on the basis whereof Bhaktinagar Police Station Case No. 521 of 2026 dated 22nd June, 2026 under Sections 21(c), 22(c) and 25 of the Narcotic Drugs and Psychotropic Substances (NDPS) Act came to be registered. The report further records during the search conducted in presence of the Gazetted Officer, one transparent zipper plastic packet containing approximately 278 grams of brown sugar, one Redmi 5G mobile handset and one Hero Splendor Plus Motorcycle bearing registration no. WB-74 BN 3220 were recovered and seized. According to the report, after completion of the search and seizure, the petitioner was informed of the grounds of arrest and his statutory rights and was thereafter formally arrested in accordance with the provisions of Bharatiya Nagrik Suraksha Sanhita, (BNSS) 2023. The report further records that immediately after arrest, due intimation was given to the family members of the petitioner and notice under Section 48 of the BNSS was issued. This notice was refused to be acknowledged by the relatives of the petitioner. Copy of such notice has been annexed to the report. The report further records that CCTV footage of Bhaktinagar Police Station for the relevant period clearly establishes the presence of the petitioner's relatives at the police station after the arrest. I find that the learned advocate for the petitioner would, however, complain that the aforesaid notice under Section 48 BNSS was served on the petitioner's relatives after 4 days of the arrest.

5. Having regard to the disclosure made in the report by the Inspector-in-Charge, Bhaktinagar Police Station, I am of the view that there is no scope at this stage for this Court to place reliance on the stand taken by the petitioner that too in a writ proceeding.

6. In the light of the above, there is no scope to pass any further order in the writ petition and the same is accordingly dismissed.

7. The aforesaid order shall not interfere with the other rights of the petitioner.

8. The connected application, being CAN 1 of 2026 is for early hearing and the same is accordingly disposed of without any order.

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

(Raja Basu Chowdhury, J.)