

**HIGH COURT OF TRIPURA
AGARTALA**

AB No.48 of 2025

Saiman Miah

---Applicant(s)

Versus

The State of Tripura

----Respondent(s)

For Applicant(s) : Mr. Samar Das, Adv.

For Respondent(s) : Mr. Rajib Saha, Addl. P.P.

HON'BLE MR. JUSTICE BISWAJIT PALIT

Order

17/07/2025

This pre-arrest bail application under Section 482 of BNSS is filed for granting pre-arrest bail of the accused-applicant in connection with Madhupur P.S. Case No.2025 MDP 021 registered under Section 143(3) of BNS, 2023 read with Section 3 of IPP, 2000 and Sections 14(A)/14(C) of the Foreigners Act, 1946.

Heard Learned Counsel Mr. S. Das appearing for the accused-applicant and also heard Learned Addl. P.P. Mr. R. Saha appearing for the State.

Perused the CD produced by Learned Addl. P.P.

The case of the prosecution is that on 27.04.2025 BSF Personnel of G-Coy 49 BN BSF, BOP Kamalasagar at the time of performing their duties at about 1630 hours near BP No.2040/2-S near gate No.112 in Indian territory they could detain one person namely MD. Farooq Miah of Bangladesh and in course of interrogation he disclosed the name of the present accused-applicant who assisted him crossing the border without any valid documents. Accordingly FIR was laid. In course of investigation of the case the name of the present applicant was revealed and in the meantime the present accused-applicant was arrested in connection with GRP PS Case No.2025 GRP 029 under Section

61(2)/249(B)/143(3) of BNS, 2023 and was produced before the Court of Learned Addl. CJM, West Tripura, Agartala wherein his police custody was granted and later on he was released on interim bail and in the meantime the I.O. submitted a prayer to the concerned Learned Court for showing his arrest.

Learned Counsel for the accused-applicant submitted that this present applicant is not FIR named and Police is trying to harass him by taking him into custody and urged for granting pre-arrest bail in any condition and further submitted that he is an Indian National and there is no evidence from the side of the prosecution showing his implication with the alleged offence and there is no chance of his absconsion.

On the other hand, Learned Addl. P.P. opposed the bail application and submitted that this present accused-applicant is a habitual offender and also submitted that he along with others assisting Bangladeshi Nationals to enter India time to time without any valid documents. So if at this stage he is released on bail then he will be encouraged to commit more such offences in near future.

I have heard both the sides at length and also perused the prosecution papers. In the FIR laid by BSF Personnel his name was shown and in course of interrogation of the Bangladeshi national the name of the present accused-applicant was revealed and furthermore on perusal of the records it appears that he was also arrested in connection with GRP PS Case No.2025GRP029 on the same charge. Apart from that, it further shows this present applicant along with other persons assisting the Bangladeshi nationals to cross Indo-Bangla border without any valid documents time to time. Thus it cannot be said that he is an

innocent person. So considering the materials on record his prayer for granting pre-arrest bail stands rejected. He may surrender accordingly to the Police Station or Court.

In view of the above, this bail application stands disposed of.

Send down the record to the Learned Trial Court along with a copy of this order.

Returned back the CD to the I.O. through Learned Addl. P.P. along with a copy of this order.

JUDGE



**MOUMITA
DATTA**

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