

**Calcutta High Court
In the Circuit Bench at Jalpaiguri**

M.A.T. 21 of 2021

With

IA No.: C.A.N. 1 of 2021

with

C.A.N. 2 of 2021

**Md. Belayet Hossain @
Belayat Hossain
Vs.
Union of India & Ors.**

Mr. Jagriti Mishra,
Mr. Ashit Kumar Das,
Mr. Subham Gupta,
Mr. Debayan Goswami

....For the Appellant

Mr. Sudipta Majumdar,
Ms. Panchali D, Sikder (Nag)

...For the U.O.I.

Mr. Bikramaditya Ghosh,
Mr. Momenur Rahaman

....For the State

Learned counsel appearing for the appellant submits that the appellant has challenged the impugned order on the premise that the Writ Court did not look into the illegalities and irregularities committed by the respondent-authorities in committing the appellant to civil prison for six months. It is further submitted that it was within the domain of the Writ Court to grant bail to the appellant.

However, a perusal of the impugned order shows that the learned Single Judge considered the challenge and, in his own

wisdom, relegated the appellant to an alternative remedy, which is provided in the Sashastra Seema Bal Act, 2007. It appears clearly from the relevant provisions, being Sections 142 and 144 of the said Act, that there is no concept of bail within the purview of the Act. As such, the remedy of the appellant, if any, lay under those provisions and the appellant was given liberty to approach the appropriate authorities under such provisions by the learned Single Judge.

Hence, there is no ground on which the impugned order was vitiated. The judicial discretion was exercised correctly by the learned Single Judge and, as such, there is no scope of interference in this intra-court appeal.

Accordingly, M.A.T. 21 of 2021 along with C.A.N. 1 of 2021 and C.A.N. 2 of 2021 are dismissed.

There shall be no order as to costs.

Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance of all requisite formalities.

(Sabyasachi Bhattacharyya, J.)

(Kausik Chanda, J.)