

21.04.2022

Sl. No. 04.

Mithun.

Ct.No.42.

CRM(SB)/68/2022

(Via Video Conference)

**Sk Asaduzzaman Mintu @ Sk Asaduzzaman
Vs.
The State of West Bengal.**

In re: An application for bail under Section 439 of the Code of Criminal Procedure, 1973 in connection with G.R.Case No.305 of 2022 arising out of Swarupnagar Police Station Case No.65/22 dated 27.01.22 under Section 14 of the Foreigners Act.

Mr.Sumanta Chakraborty, Adv.

...for the petitioner.

Mr. S.S.Imam, APP.

Mr. Arabinda Manna, Adv.

... for the State.

The petitioner was booked for committing offence under Section 14 of the Foreigners Act. Allegation against the petitioner is that he was intercepted inside the Indian Territory when he crossed the International boarder between the Bangladesh and India from Bangladesh side. The petitioner pleads that he has valid Passport issued by People's Republic of Bangladesh and he came to this Country way back on 9th August, 2017 on business Visa and the said Visa is valid till 8th August, 2022.

A confusion arose in the mind of the prosecuting agency that the Visa refers to Passport No.BC0646437 but the petitioner has filed his passport bearing No.EF 0544668. However, on perusal of the copy of the said Passport which certified to be true copy of the officer-in-Charge of

Swarupnagar Police Station, it is ascertained that the present Passport was issued in continuation to the previous Passport issued in the name of the petitioner being No.BC0646437. Visa was issued by the Republic of India on the previous Passport of the petitioner.

Considering such aspect of the matter, this Court prima facie finds that the petitioner lawfully entered into the territory of this Country with valid Passport and Visa. Therefore, he is entitled to be enlarged on bail. The petitioner may find bail of Rs.10,000/- with one surety of like amount to the satisfaction of the learned Additional Chief Judicial Magistrate, Basirhat with further conditions that he shall attend the Trial Court on all dates of trial and he shall not leave the Country without the permission of the Trial Court. Violation of above condition for bail will entail cancellation of the order of bail without further reference to this Bench.

(Bibek Chaudhuri, J.)