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21.08.2023
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C.R.M. (SB) 169 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure, 1973 filed in connection with Hingalganj Police Station Case No.123 of 2022 dated June 27, 2022 under Section 14A(b)/14C of Foreigners Act, 1946 read with Section 12 of the Passports Act, 1967;

Md. Abdul Sabur Gazi @ Mohammad Abdus Sabar
Gazi @ Sabur Gazi
Versus
The State of West Bengal

Mr. Dipayan Kundu.
...for the petitioner.

Mr. P.K. Datta
Mr. Santanu Deb Roy.
...for the State.

The present petitioner was arrested in connection with Hingalganj Police Station Case No.123 of 2022 dated June 27, 2022 and was implicated in connection with Section 14A(b)/14C of the Foreigners Act, 1946 read with Section 12 of the Passports Act, 1967.

Th petitioner is in custody for one year and one month. In connection with this case, the investigating agency submitted their charge-sheet on 31st July, 2022. More than one year has passed since the charge-sheet was submitted. Till date the copies under Section 207 of the Code of Criminal Procedure has not been served upon the accused. No steps have been taken for progressing the trial.

Having considered the facts of the case particularly with regard to the difference in name of the father of the petitioner in the arrest memo and the PAN card and the fact that the petitioner is not

having any epic card, I am not inclined to release the petitioner on bail. The prayer for bail is thus, rejected.

Learned ACJM, Basirhat, North 24 Parganas is directed to take steps so that the trial commences immediately. The learned ACJM, Basirhat or the concerned court having jurisdiction will take steps so that the charge is framed at the earliest preferably by 30th September, 2023 and one witness be examined once in a fortnight so that the trial of the case is concluded by 31st July, 2024.

With the aforesaid observations, CRM (SB) 169 of 2023 is dismissed.

Learned Registrar (Judicial Service), High Court, Calcutta will communicate this order to the learned ACJM, Basirhat immediately.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

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

(Tirthankar Ghosh, J.)