

June 19, 2024

2^{ARD}
Allowed

C.R.M. (SB) 68 of 2024

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure filed in connection with **Bagdah** Police Station Case No. 126 of 2024 dated 08/02/2024 under Section 14 of the Foreigners Act, 1946 pending before the learned Judicial Magistrate, 1st Class at Bongaon, North 24 Parganas.

And

In Re : Ali Tarmanini
... Petitioner.

Adv. Susnigdho Bhattachayya,
Adv. Santa Bhattacharyya,
... For the Petitioner.

Adv. Arijit Ganguly,
Adv. Subham Kanti Bhakat,
... For the State.

The report from the learned District and Sessions Judge, Gurugram reveals that the petitioner is facing prosecution in a criminal complaint under several provisions of Drugs and Cosmetics Act, 1940 and his original passport which is due to expire on 26th April, 2027 was seized by the District Drugs Control Officer, Gurugram vide memo dated 13th May, 2023.

The State opposes the prayer for bail.

Allegation against the petitioner in the present criminal complaint is under Section 14 of the Foreigners Act. The original passport of the petitioner is lying with the District Drugs Control Officer, Gurugram. Investigation of the present case is complete. Charge sheet has been submitted.

The petitioner is in custody for about 133 days. Further detention of the petitioner is not required for the purpose of custodial interrogation, *moreso*, since he has produced his passport before the Gurugram Court.

Accordingly, the prayer for bail is allowed.

Accordingly, the petitioner shall be released on bail upon furnishing bond of Rs.10,000/- (Rupees Ten Thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Bongaon, North 24 Parganas subject to condition that he shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

The application for bail, being CRM (SB) 68 of 2024, is, thus, disposed of.

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

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

(Suvra Ghosh, J.)