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03.07.2024
d.p.

**In The High Court At Calcutta
Constitution Writ Jurisdiction
Appellate Side**

W.P.A. 15669 of 2024

**Dulal Shil @ Dulal Kanti Shil & Anr.
-versus
The State of West Bengal & Ors.**

**Mr. Gouranga Kumar Das,
Ms. Poulami Dutta.
...For the Petitioners.**

**Mr. Amal Kumar Sen, AGP
Mr. Lal Mohan Basu.
...For the State.**

**Mr. Bhudeb Chatterjee,
Ms. Sanchita Burman Roy.
...For the Respondent
Nos. 4 and 5.**

The petitioners are Bangladeshi citizens. They have been arrested and taken in custody.

The petitioners rely upon the various notifications published by the Ministry of Home Affairs in the Gazette of India in support of the submission that the Foreigners Act will not be applicable in their case. In view of such notifications of the Ministry of Home Affairs, the petitioners have prayed for quashing of the proceeding pending before the learned Trial Court.

Learned advocate appearing on behalf of the State respondents has obtained instructions from the Inspector-in-Charge, Ausgram Police Station which mentions that the accused persons were arrested under the Foreigners Act and were produced before the Court of the Learned CJM, Purba Bardhaman. Their prayer

for bail stood rejected by the learned Trial Court and also by the High Court. Charge Sheet being Charge Sheet No. 109 of 2024 dated 9th May, 2024 has been filed.

Upon hearing the submissions made on behalf of the parties, the relief sought for by the petitioners cannot be allowed. It will be open for the petitioners to approach the competent forum for relief.

The writ petition fails and is hereby dismissed.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)