

**IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri**

**24.05.2024.
16.
as
(Allowed)**

C.R.M. (DB) 260 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Mekhliganj P.S. Case No.394 of 2022 dated 30.11.2022 under Sections 379/411 of the Indian Penal Code read with Sections 14A/14C of the Foreigners Act and charge sheet submitted under Sections 379/411 of the Indian Penal Code read with Sections 14A/14C of the Foreigners Act.

In the matter of : **Md. Hafiz @ Hafis.**

.... Petitioner.

Ms. Jeenia Rudra.

...for the Petitioner.

Mr. Nilay Chakraborty, Id. A.P.P.,
Ms. Sukanya Adhikary.

...for the State.

1. Petitioner is in custody for 87 days. He is an Indian citizen. It is submitted smuggled cattle has been recovered. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the bail prayer.
3. We have considered the materials on record. Petitioner is an Indian citizen. Foreign nationals have been arrested and the cattle has already been recovered. Complicity of the petitioner has transpired from the statement of co-accused before police officer which is inadmissible in law.
4. Under such circumstances, we are inclined to grant bail to the petitioner.
5. Accordingly, the petitioner **Md. Hafiz @ Hafis** shall be released on bail upon furnishing a bond of Rs.10,000/- with

two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Mekhliganj, Cooch Behar 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.

6. 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.

7. This application for bail is, thus, disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)