

**In the High Court At Calcutta
Jalpaiguri Circuit Bench
CRM (DB) 548 of 2024**

In re: An application for bail under Section 439 of the Code of Criminal Procedure/Section 483 of the BNSS in connection with **Kuchlibari Police Station** Case No. **88 of 2024** dated **09.06.2024** under Section **14A** of the Foreigners Act.
- A n d -

In the matter of : Dano Khan

.... Petitioner.

Mr. Milon Mukherjee,
Mr. Biswajit Manna,
Mr. Hillol Saha Poddar,

... For the Petitioner.

Mr. Abhijit Sarkar,
Mr. Dhiman Sil,

... For the State.

Order dictated by Arijit Banerjee, J.:

1. The petitioner says that he is in custody for 154 days. He is an Indian national. He has been wrongly booked under Section 14A of the Foreigners Act. The learned Trial Court rejected his bail prayer in spite of finding that the State has, upon verification, found the relevant electric bill, voter card, ration card, electric connection, driving license etc to be genuine. He prays for bail.

2. We have seen the order of the learned Trial Court. The learned Trial Judge rejected the bail prayer on the basis that the petitioner holds passports issued by the republic of Bangladesh and Afganisthan and also resident card of the Sultante of Oman. However, from the charge sheet and the seizure memo we do not find that any such passport or resident card was seized from this petitioner. On the contrary, a number of documents showing the

petitioner to be an Indian national have been found to be authentic documents.

3. Therefore, in spite of opposition from the end of the State, we are inclined to enlarge the petitioner on bail.

4. Accordingly, we direct that the petitioner, namely, **Dano Khan**, 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 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 and on further condition that the petitioner shall meet the officer-in-charge of the concerned police station once in a fortnight until further orders.

5. In the event the petitioner fails to adhere to any of the conditions stipulated above without justifiable cause, the trial court shall be at liberty to cancel the petitioner's bail in accordance with law without further reference to this court.

6. The application for bail is, accordingly, allowed.

7. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(**Biswaroop Chowdhury, J.)**

(**Arijit Banerjee, J.)**