

03.12.2025

Court No.35.

M/L. 102.

Rakib

(Rejected)

CRM (M) 1509 of 2025

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure, 1973/Under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Nowda Police Station case no. 346 of 2024 dated 30.12.2024 under Sections 113(3)/113(4)/113(5)/113(6)/61(2) of the Bharatiya Nyaya Sanhita, 2023 and 14(c) of the Foreigners Act, 1946.

And

In the matter of : Minarul Sk @ Minarul Sheikh

.....Petitioner.

Mr. Arkaprabho Roy

Mr. Syed Murshid Alam

Mr. Subrata Ghosh

Ms. Amrita Sen

Mr. Nabiul Islam

Mr. S. Bagchi

Mr. Subrata Mukhopadhyay

.....for the Petitioner.

Mr. Debasish Roy, Ld. PP

Mr. Rudradipta Nandy, Ld. APP

Ms. Sima Biswas

.....for the State.

Learned advocate appearing for the petitioner submits that provisions of the UAPA, 1967 were not in existence at the time when prayer for extension was granted initially in the month of March, 2025 by the learned Court. Subsequently, again the extension was granted under the provisions of UAPA, 1967. At the relevant time when extension was granted under the provisions of UAPA, 1967 the case was only existing under the provisions of the India Penal Code, as such Court had no authority to extend the period of time for investigation in respect of the statutory provisions of the UAPA, 1967. Petitioner was shown arrested in connection with the instant

case on 06.02.2025 and since then he is in custody, as such on any stringent conditions the petitioner prays for bail.

Learned advocate for the State on the other hand produces the Case Diary along with the order-sheet of 08.02.2025 which reflects that on 08.02.2025 information was furnished for addition of Section of the relevant provisions of the UAPA, 1967, the order dated 08.02.2025 also reflects the same.

Having considered the totality of the circumstances, the nature and the gravity of the offence, I am not inclined to release the petitioner on bail.

Accordingly, the prayer for bail of the petitioner being CRM (M) 1509 of 2025 is **dismissed**.

All parties shall act in terms of server copy of the order 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 with all requisite formalities.

(Tirthankar Ghosh, J.)