

July 10, 2025

5 ARDR
(Allowed)

**IN THE HIGH COURT AT CALCUTTA
IN THE CIRCUIT BENCH AT JALPAIGURI**

C.R.M. (M) 174 of 2025

In Re : An Application for bail under Section 483 of the Bharatiya
Nagarik Suraksha Sanhita, 2023 in connection with **Kuchlibari**
Police Station Case No. **72** of **2025** dated **16/5/2025** under
Sections **14A/14C** of the Foreigners Act, 1946.

And

In Re : **Hafijur Rahaman @ Haafizar Rahaman**

... Petitioner

Mr. Papai Mahammad,
Mr. Biswarup Roy,

... for the Petitioner.

Mr. Abhijit Sarkar,
Mr. Aniruddha Biswas,

... For the State.

Report submitted by the State is taken on record.

This is an application seeking bail in a case instituted under
Sections 14A/14C of the Foreigners Act.

It is submitted on behalf of the learned advocate for the
petitioner that the petitioner is an Indian citizen and his case
stands on similar footing to that of one Dulu Pramanik who was
enlarged on bail by this Court by an order dated July 1, 2025
passed in CRM (M) 155 of 2025.

It is also submitted by the learned advocate appearing for the
petitioner that the petitioner was arrested in connection with the
instant case and has been in custody since May 25, 2025. As such
the petitioner prays for bail.

Learned advocate for the State relies upon the materials in
the Case Diary as well as the report filed on their behalf today and
opposes the prayer for bail.

I have gone through the materials in the Case Diary. From the forwarding report contained in the Case Diary, it transpires that the petitioner has been arrayed as an Indian citizen who is involved with harbouring foreign nationals. At best a case under Section 14C of the Foreigners Act is made out against the petitioner. Although, it has been submitted on behalf of the State that the Investigating officer has not been able to verify the documents relied upon by the petitioner including the Voter Card and Aadhar Card, nevertheless, the forwarding report of the petitioner, when he was arrested, shows him as an Indian citizen.

Under such circumstances and in view of the materials in the Case Diary as also taking into account that the case of the petitioner stands on similar footing as that of Dulu Pramanik, the petitioner may 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, Mekhliganj**, subject to condition that he shall meet the Investigating Officer once in a week until the conclusion of investigation. He shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to comply with any of the conditions as mentioned above without justifiable cause, the learned trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

The application for bail is, thus, allowed.

CRM (M) 174 of 2025 is accordingly disposed of.

Case Diary be returned.

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

(Md. Shabbar Rashidi, J.)