

IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri

18.08.2025.
Sl. No. 4
Ct.No. 4.
sdas
(Allowed)

C.R.M.(M) 190 of 2025

In Re:- An application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Sahebganj Police Station Case No. 520 of 2021 dated 22.10.2021 under Sections 14A/14C of the Foreigners Act.

In Re : Md. Jabbar Miya @ Jabbar Ali Miya petitioner

Mr. Sudip Guha

...for the petitioner

Mr. Aditi Shankar Chakraborty, learned APP

Mr. Biswarup Roy

....for the State

This application has been preferred under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (in short, BNSS) in connection with Sahebganj Police Station Case No. 520 of 2021 dated 22.10.2021 under Sections 14A/14C of the Foreigners Act.

Mr. Guha, learned Advocate appearing on behalf of the petitioner, submits that the petitioner was granted bail by the learned Additional Sessions Judge, Dinhata, vide order dated 18th December, 2021. However, due to certain difficulties, the petitioner could not attend the court regularly, and consequently, a warrant of arrest was issued against him. Subsequently, the petitioner voluntarily surrendered and was taken into custody on 3rd July, 2025. He further submits that the petitioner has been in custody since then. He, therefore, prays for the petitioner's release on bail and undertakes that the petitioner shall comply with all terms and

conditions that may be imposed in the event his prayer for bail is allowed.

Mr. Roy, learned Advocate, appearing on behalf of the State, produces the Case Diary and opposes the prayer for bail.

Heard the learned Advocates representing the respective parties and perused the materials on record, including the Case Diary.

The order dated 18th December, 2021, passed by the learned Additional Sessions Judge, Dinahata, in Criminal Misc. Case No. 145 of 2021, indicates that the present petitioner was enlarged on bail. However, the petitioner misused the liberty granted to him, and accordingly, a warrant of arrest was issued. The petitioner thereafter surrendered before the learned Court below on 3rd July, 2025, and since then he has been in custody.

Considering the facts and circumstances of the case, I am of the view that further detention of the petitioner will not serve any useful purpose. Accordingly, the application for bail is allowed.

In view of the above, the petitioner shall be released on bail upon furnishing a bond of Rs. 5,000/- with two sureties of Rs. 2,500/- each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Dinahata, Cooch Behar, subject to the conditions that he shall appear before the trial court on every date of hearing until further orders, shall not intimidate witnesses or tamper with evidence in any manner whatsoever, and shall attend the court below as and when called for, unless and until

he is granted the benefit under Section 317 of the Code of Criminal Procedure, corresponding to Section 355 of the BNSS.

In the event of any violation of the conditions enumerated in the preceding paragraph, the learned Additional Chief Judicial Magistrate or the learned Trial Court shall be at liberty to cancel the petitioner's bail in accordance with law, without any further reference to this Court.

This application for bail is, thus, disposed of.

(Partha Sarathi Chatterjee, J.)