

July 04, 2025

4 Arsad(ARCR)

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

C.R.M.(DB)/727/2024

In Re : An Application for cancellation of bail under Section 483(3)
of the Bharatiya Nagarik Suraksha Sanhita, 2023.

And

In Re : **Central Bureau of Investigation.**

... Petitioner

Mr. Sudipto Kr. Majumdar,
Mr. Sudip Kr. Paul,

... for the CBI.

Ms. Prajnadeepta Roy,
Mr. Debojyoti Goswami,
Mr. J. Bhattacharya,

... For the Opposite party.

This is an application for cancellation of bail granted by this
Court by an order dated July 31, 2024 in CRM(DB)/304/2024.

It is contended on behalf of the learned advocate for the
Central Bureau of Investigation that the petitioner Nasel Seikh was
granted bail by an order dated July 31, 2024 passed in
CRM(DB)/304/2024 in connection with DRI complaint no.
02/CL/IMP/DRI/SLG/2011-12/314/2011 under section
104/110/135 of the Customs Act, 1962. It is alleged on behalf of
the learned advocate for the CBI that the private opposite party was
an accused into two separate cases. Subsequently, the Central
Bureau of Investigation started a fresh case by way of re-
registration to look into the allegation of dealing with fake currency.
As such two separate cases namely one under Section
104/110/135 of the Customs Act, 1962 which is pending before
the learned Additional Chief Judicial Magistrate, Siliguri whereas

the other case registered under Section 489B/489C/120B of the Indian Penal Code which is pending with learned Additional Sessions Judge, Fast Track Court. It is also submitted on behalf of the learned advocate for the CBI that after obtaining the bail under section 439 of the Code of Criminal Procedure by an order dated passed on July 31, 2024 in CRM(DB)/304/2024 which was passed in connection with DRI complaint no. 02/CL/IMP/DRI/SLG/2011-12/314/2011 under section 104/110/135 of the Customs Act, 1962, the petitioner placed the said order before the learned Fast Track Court at Siliguri in connection with the CBI case under Section 489B/489C/120B of the Indian Penal Code and obtained bail upon furnishing bail bond. It is specifically submitted by learned advocate for the petitioner that the petitioner was not granted bail in connection with Sessions Case under Section 489B/489C/120B of the Indian Penal Code.

On the other hand, learned advocate for the private opposite party submits that the aforesaid bail order ought to have been placed before the learned Additional Chief Judicial Magistrate, Siliguri in connection with the case investigated by DRI. However, due to mistake, such order was placed in the CBI Court and a bail order was granted upon furnishing of bail bond.

Having heard the learned advocate for the parties and on consideration of the materials placed before this Court, it transpires that two separate cases were started against the private opposite party at the behest of the Directorate of Revenue Intelligence. However, later on when it came out that a case in respect of dealing with fake Indian currency was also involved,

Central Bureau of Investigation started a fresh case under Section 489B/489C/120B of the Indian Penal Code. It is now pending as a Sessions case before learned Additional Sessions Judge, Fast Track Court, Siliguri.

Admittedly, the order granting bail passed on July 31, 2024 in CRM(DB)/304/2024 was in connection with DRI case. The private opposite party never mentioned in his application for seeking bail in connection with CBI Case. In view of the facts, no bail order was granted in connection with the case registered by the Central Bureau of Investigation. It is evident from the order dated July 31, 2024 passed in CRM(DB)/304/2024 that such order was passed in connection with DRI complaint no. 02/CL/IMP/DRI/SLG/2011-12/314/2011 under section 104/110/135 of the Customs Act, 1962. By the said order, no bail was granted in connection with the CBI case under Section 489B/489C/120B of the Indian Penal Code pending before the learned Sessions Judge, Fast Track Court, Siliguri. Learned Advocate for the CBI has not challenged the said order dated July 31, 2024 so far as it relates to the case instituted on the basis of complaint by DRI.

It has nothing to do with the case registered by the Central Bureau of Investigation under Section 489B/489C/120B of the Indian Penal Code.

In such view of the facts, there appears no reason to cancel the bail granted by the order dated July 31, 2024 in CRM (DB)/304/2024 so far as the case lodged at the complaint of Directorate of Revenue Intelligence.

CRM (DB) 727 of 2024 is accordingly disposed of.

Central Bureau of Investigation is at liberty to take appropriate steps before the appropriate forum.

(Md. Shabbar Rashidi, J.)