

18.02.2026

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jb.

jdt.

Allowed

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
CRIMINAL MISCELLANEOUS JURISDICTION**

C.R.M. (M) 50 of 2026

In Re : An Application for bail under Section 483 of the Bharatiya
Nagarik Suraksha Sanhita, 2023 filed in connection with Kharibari
Police Station Case No. 316 of 2025 dated 02.11.2025 under
Section 14(A) of the Foreigners Act.

And

In Re : Hemal Chandra Roy @ Hemel Chandra Roy

Mr. Subhranil Barman

Mr. Mayank Roy

... For the Petitioner.

Mr. Kallol Acharjee

Mr. Biswarup Roy

... For the State

Heard learned counsels for the parties.

Allegation against the petitioner is under Section 14(A)
of the Foreigners Act. The case has been registered on 2nd
November, 2025. The Foreigners Act 1946 has been repealed
in terms of Section 36(1) of the Immigration of Foreigners Act
which has come into force on and from 1st September, 2025.
The present complaint lodged under the repealed Act is not
maintainable.

Further detention of the petitioner is uncalled for.

Accordingly, the prayer for bail is allowed.

The petitioner namely Hemal Chandra Roy @ Hemel Chandra Roy shall 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, Siliguri subject to conditions that he shall remain within the jurisdiction of the learned trial Court and shall furnish the address where he shall presently reside before the learned trial Court, the investigating officer and the concerned officer in charge of the police station under whose jurisdiction he shall henceforth reside. He shall appear before the learned trial Court on every date of hearing fixed by the learned trial Court and shall not tamper with evidence or intimidate witnesses in any manner whatsoever.

In the event the petitioner fails to adhere to any of the conditions stated hereinabove, the learned trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

CRM (M) 50 of 2026 is disposed of.

Case diary be returned.

Copy of this order be forwarded to the Foreigners Regional Registration Officer under the Immigration and Foreigners Act, 2025.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

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

(Suvra Ghosh, J.)