

IN THE COURT OF ADDITIONAL SESSIONS JUDGE, DINHATA

Present : Sri Mahananda Das, (J.O. Code : WB00626)
Additional Sessions Judge, Tufanganj in-charge of
Additional Sessions Judge, Dinhata.

Bail Application No. 45 of 2026
CNR No. WBCB-05-000 148 -2026
Arising out of G.R case no. (I)43 of 2026

COPY OF ORDER

Order No. 03,
Dated : 13-03-2026

This is an application under section 483 of B.N.S.S filed by the accused/petitioner **Based Ali @ Holley Shikh @ Holley Sheikh @ Holle Sekh @ Bachhed Ali** in connection with G.R Case No. (1)43 of 2026 corresponding to Sahebganj P.S Case No. 44/2026, dated-29-01-2026, under sections- 21/22/23/24 of Immigration and Foreigners Act.

Ld. Advocate for the accused person submitted that the accused is falsely implicated in this case and he is innocent. Ld. Counsel for the accused further submitted that the accused is in judicial custody for considerable period and he may be released on bail. Learned Advocate for the accused further submitted that no bail application has been filed or pending before the Higher Court.

Heard Ld. P.P in-charge who raises objection and submitted that on 27-02-2026 in Bail Application No. 33 of 2026 this very Court was pleased to reject the Bail Application of the instant accused person and moreover there is no change in circumstances.

Perused the case diary.

From the memorandum of arrest of the aforesaid accused person it reveals that he was arrested on 01-02-2026 and on the same date the I/O of this case recorded his statement under section 180 of BNSS wherein he admitted his guilt. During the police remand period the I/O of this case interrogated the said accused person and his two statements were recorded by the I/O on 03-02-2026 and 06-02-2026 wherein the instant accused person reiterated the same fact and admitted his guilt. It is to be noted that the Ld. Advocate of said accused person stated that the instant accused person arrested later on after the foreigners were arrested and the instant accused person has been falsely implicated in this case. To that score this Court cannot lose sight of the aforesaid mentioned three statements as made by the instant accused person before the I/O. From the said statements it can be inferred at this stage that the instant accused person acted as a traitor of his mother land, that is, India. It is to be noted that vide order no. 03, dated 27-02-2026 in Bail Application No. 33 of 2026 this very Court rejected the Bail Application of the instant accused person and moreover there is no change in circumstances.

Considering the aforesaid facts the instant bail application of accused person is **rejected**.

This Bail Application thus, stands disposed of.

The I/O is directed to produce the Identity proof of this accused person too during the process of his investigation.

Return the LCR and C/D.

Let a copy of this order be sent to the Learned A.C.J.M, 2nd Court, Dinhata and I/O of this case, namely, SI Gouranga Barman of Sahebganj P.S for information.

Dictated & corrected by me,

Sd/-
Additional Sessions Judge,
Dinhata.

Sd/-
Additional Sessions Judge,
Dinhata.