

Cr. Misc. Case No. 463 of 2026
CNR No. WBHW0100 1231 2026
Present: Sri Mainak Dasgupta
Sessions Judge, In-charge, Howrah.
J.O. Code – WB01070

Order No.02 dated 13.03.2026.

The application u/S.483 BNSS arising out of Howrah G.R.P.S. Case No. 25 of 2026 dated 11.02.2026 u/Ss. 310(4)/310(5) of BNS, filed by the accused/petitioners namely, 1] Aslam Khan & 2] Md. Tamanne, is taken up for hearing.

The petitioners have stated on affidavit that no application has been filed or rejected before or by the Hon'ble High Court till date.

SUBMISSIONS AND REASONS:

Heard Ld. Advocate for the accused/petitioners who submitted that such 02 accused/petitioners were subsequently arrested. It was further submitted that no seizure was effected from such accused/petitioners who have remained in custody out of mere complicity.

Ld.P.P has raised objections.

Perused the TCR and CD.

Considered the submission made by the Ld. Advocate for the accused and the Ld Public Prosecutor.

The detention of an accused in the course of investigation should not be equated with a sentence and should not be ordered as a mode of punishment. Hon'ble Justice Krishna Iyer, J., in Gudikanti Narasimhulu v. State [Gudikanti Narasimhulu v. State, (1978) 1 SCC 240 : 1978 SCC (Cri) 115] was pleased to opine that "1. ... the issue [of bail] is one of liberty, justice, public safety and burden of the public treasury, all of which insist that a developed jurisprudence of bail is integral to a socially sensitised judicial process. ... After all, personal liberty of an accused or convict is fundamental, suffering lawful eclipse only in terms of "procedure established by law".

It appears that such two accused/petitioners are in custody since 23.02.2026 and have been subsequently arrested based on the statement of other co-accused. No seizure has been effected from them. Furthermore, the process of investigation has come to a standstill.

Considering all such, the prayer for bail is allowed.

The accused be released on furnishing bond of Rs.3,000/- each with two regd. sureties of equal Rs.1,500/- each, to the satisfaction of Ld. Chief Judicial Magistrate, Howrah, on condition to meet with the I.O., once in a week till completion of investigation.

Let a copy of this order be sent to the Ld. CJM, Howrah.

TCR and CD be returned.

The criminal misc case is disposed of.

The order be uploaded in the CIS without delay.

Dictated & corrected by me.

S. J.

Sessions Judge, In-charge, Howrah.