

**IN THE COURT OF
ADDITIONAL SESSIONS JUDGE, (1st COURT) AT SILIGURI**

Present : Sri Deb Kumar Goswami

Additional Sessions Judge (1st Court) at Slg.

Criminal Misc. Case No. 396 (08) 2026 (CIS No.423 OF 2026)

Md Riyaz Alam

VS

State of West Bengal

Phansidewa P.S. case No.304 of 2026 dated 12-06-2026 under section 126(2)/329(3)/115(2)/318(4)/338/336(3)/340(2)/351(2)/351(3)/61(2)/3(5) of BNS corresponding to PTN No.WBDJOEP002150 of 2026 pending in the court of Ld ACJM, Siliguri.

Order No.02 dated 14-08-2026

Having suffered incarceration since 19-07-2026 in connection with above referred case, the above named petitioner/accused has filed an application praying for bail on the ground of him being falsely implicated, there is no chance of his abscondance as he has permanent home and hearth, period of detention undergone and no bail petition was ever filed, moved and rejected by any Higher Forum.

Perused the instant petition, materials of Trial Court Record, CD and heard Ld. Advocate of petitioner/accused and the Ld. P.P. in-charge. Considered.

Admitting the bail prayer of the present petitioner/accused being not earlier rejected by any Higher Forum, the bail prayer made by the Ld. Advocate of petitioner/accused on the ground cited in the instant petition is opposed by the Ld. P.P. in-charge.

Considered.

On the allegation of wrongful restrain, criminal trespass, casing voluntary hurt, criminal intimidation and forgery, the present case was initiated on 16-06-2026 and present petitioner/accused was brought on record in connection with this case on the basis of shown arrest as he was in custody in connection with Phansidewa P.S. case No.380 of 2016 dated 18-07-2026 u/s 294/352/353(2)/353(3) of BNS.

Ld advocate of the petitioner/accused submits that apart from sections 318/336/338 of BNS all other sections are bailable in nature.

Ld advocate further contends that the aforesaid three non bailable sections are no way applicable so far as the present petitioner/accused is concerned. Concerning the land in question a civil suit is pending. Ld advocate also contends that the present case is the counter blast of Phansidewa P.S. case No.301 dated 12-06-2026 initiated by accused No.3 of this case namely Md Sahida Khatun.

Ld advocate prays for bail on any terms and conditions.

Bail prayer of the petitioner/accused is strongly opposed by the Ld P.P. in charge by drawing attention of this court to the relevant portion of C/D.

Investigation appears to be progressing fairly.

Considering the incriminating materials lies against the present petitioner/accused in C.D and stage of investigation, I am not inclined to enlarge the present petitioner/accused on bail and accordingly, his bail prayer **stands refused.**

Let a copy of this order be at once transmitted to the Ld ACJM, Siliguri for his information and necessary action.

The instant Criminal Misc. is thus disposed of.

CD and TCR be returned.

Dictated & corrected by me

Sd/-

Sd/-

(Deb Kumar Goswami)
(WB00815)

Addl. Sessions Judge, 1st Court , Slg.

Addl. Sessions Judge, 1st Court, Siliguri