

In the Court of the Ld. Sessions Judge, Uttar Dinajpur at Raiganj
Crl Misc Case No.855/2026
CNR WBUD01-001509/2026

Present:- Subhrajit Basu (WB01238)
Sessions Judge, Uttar Dinajpur at Raiganj
04/30.06.2026

This application for bail u/s 483 of B.N.S.S filed on behalf of accused/petitioner **Debajit Roy** in connection with Raiganj P.S. Case No.498/2026 dated 20.05.2026 vide GR 1201/2026 u/s 143 B.N.S r/w section 3/4/5/6(3)/7 of Immoral Traffic(Prevention) Act is taken up for hearing.

Learned Advocate for the accused/petitioner by filing an affidavit submits that no such application u/s 483 of B.N.S.S is pending in this Court or before the Hon'ble Higher Courts prior to this application.

On query, Ld. Public Prosecutor submits that there is no reflection in the CD that there is any bail application either pending or rejected by the Hon'ble Higher Courts and IO also did not intimate him that any bail application is pending or rejected by the Hon'ble Higher Courts.

Ld. Advocate for the accused/petitioner submits that the accused has been in custody since 20.05.2026. It is further submitted that all the offences alleged against the accused are triable by the Magistrate. Ld Advocate contends that the accused was remanded to police custody on three occasions but no incriminating article has been seized from the possession of this accused. Ld Advocate further emphasized that under Section 2(i) of the Immoral Traffic (Prevention) Act, 1956, only a "Special Police Officer" is empowered to conduct search and seizure under the Act, but he argued that in the present case, it is apparent from the FIR that no search was conducted by a duly appointed "Special Police Officer". Therefore, according to him, the search and seizure of this case is totally illegal unsustainable in law. In view of above, Ld Advocate for the petitioner submitted that the prayer for bail may be allowed on any condition.

On the other hand, Ld Public Prosecutor has raised objection against the prayer for bail and submits that the seizure was conducted by a "Special Police Officer" in accordance with the provisions of the relevant Act.

Heard both sides. Perused the materials on record and the CD.

Considering the materials in the CD, the period of detention already undergone by the accused and the fact that the investigation has substantially progressed, this Court is of the view that no further custodial detention of the accused is necessary in this case. Accordingly, prayer for bail u/s 483 B.N.S.S is hereby considered and allowed.

Accused/petitioner namely **Debajit Roy** may find bail of Rs.10,000/- with two sureties of Rs.5,000/- each, subject to the satisfaction of Ld C.J.M, Uttar Dinajpur at Raiganj and with condition, he shall meet the IO once in a week until further orders or until completion of investigation, whichever is earlier.

Thus, the Criminal Misc Case is disposed of accordingly. Return LCR & CD.

Let a copy of this order be sent to Ld C.J.M, Uttar Dinajpur for information and necessary action.

Dictd. & cortd.

S.J.

Sessions Judge, U/Dinajpur.