

**HIGH COURT OF TRIPURA
AGARTALA**

B.A. No.16 of 2025

Sri Shyam Kumar
S/O Late Aklu Mandal
Of: Dahu Marar Tola,
Ward No.10, P.O-Mahua Bazaar, P.S.-Basnahi,
Dist. Saharsha, Bihar, India, PIN-852210

---- Petitioner on behalf of Accused person In-Custody

Smt. Renu Devi
W/O: Sri Pintu Ray
Of: Naya Bazar, Ward No.-09,
P.O-Saharsa, PIN-852201,
Dist.-Saharsa, Bihar

---- Accused Person In-Custody

Versus

The State of Tripura

----Respondent(s)

For Applicant(s)	:	Mr. Subrata Sarkar, Sr. Adv, Mr. Kabrabam Dharendra Singha, Adv, Ms. Piyali Chakraborty, Adv.
For Respondent(s)	:	Mr. Raju Datta, P.P., Mr. Rajib Saha, Addl. P.P.

HON'BLE MR. JUSTICE BISWAJIT PALIT

Order

09/04/2025

This bail application under Section 439 of Cr.P.C. is filed for releasing the accused-in-Custody namely Renu Devi in connection with Ambassa P.S. case No.52 of 2022 for the offence punishable under Section 20(b)(ii)(c)/25/29 of NDPS Act.

Heard Learned Senior Counsel, Mr. Subrata Sarkar assisted by Learned Counsel, Mr. K. D. Singha and Learned Counsel, Ms. Piyali Chakraborty appearing on behalf of the accused person in custody and also heard Learned P.P., Mr. Raju Datta along with Learned Addl. P.P., Mr. Rajib Saha appearing on behalf of the respondent-State.

Record from the Court of Learned Special Judge (NDPS), Dhalai Judicial District, Ambassa is received.

Taking part in the hearing, Learned Senior Counsel drawn the attention of the Court referring different orders dated 12.09.2022, 13.07.2023, 03.05.2024, 09.08.2024, 12.09.2024, 13.11.2024 and submitted that initially the accused was granted bail by the Court of Learned Special Judge (NDPS), Dhalai Judicial District, Ambassa but thereafter, on certain dates she could not appear in person and her engaged Counsel also could take any proper step, so, warrant was issued. Knowing the fact of issuing of warrant, she herself surrendered before the Court and was released on bail but thereafter, on 12.09.2024 she again remained absent due to her illness. Further warrant was issued and after that, on 13.11.2024 she again surrendered and submitted before the Learned Trial Court that due to her illness she could not appear before the Court and her relevant medical documents were not considered by the Learned Court below. Learned Senior Counsel further submitted that the Learned Court below without application of proper mind simply issued warrant of arrest against the accused, without issuing notice to the surety before issuing warrant of arrest which is not permitted in the eye of law and from 13.11.2024, the accused is lodging in jail. So, considering the period of detention and also the fact that she is having one child, Learned Senior Counsel submitted that the accused may be released on bail in any condition.

On the other hand, Learned P.P. appearing on behalf of the State-respondents submitted that although the Learned Special Judge (NDPS), Dhalai Judicial District, Ambassa did not issue any notice to the surety but the facts remain that the accused remained absent, so, warrant was issued. Since by this time, 4(four) witnesses have already been examined, so, direction may

be given to the Learned Court below to complete the trial within a short span of time and till that period, the accused may be detained in custody for the sake of early disposal of the case.

Considered.

I have perused the record. This present accused was earlier released on bail by order dated 12.09.2022 but she could not execute the bail bond and she filed bail bond later on 17.11.2022. Thereafter, on 13.07.2023, the accused remained absent, so, warrant of arrest was issued against this present accused along with others and an order was passed for drawing up of separate proceeding under Section 446 of Cr.P.C. After that, on 03.05.2024, the accused surrendered before the Court and on that date, she was further released on bail. Then, on 09.08.2024, the accused was present before the Court but on 12.09.2024, the accused again remained absent without taking any step. Even no step was taken on her behalf by her engaged Learned Counsel. Thereafter, on 13.11.2024, she surrendered before the Court and sought bail on medical ground annexing some medical papers but the Learned Special Judge (NDPS), Dhalai Judicial District, Ambassa after examining the documents did not rely upon the same and rejected the bail application and since then she is lodging in jail.

From the record, it appears that prosecution by this time has adduced 4(four) numbers of witnesses out of 7(seven) numbers of witnesses before the Court of Learned Special Judge (NDPS), Dhalai Judicial District, Ambassa and it also appears that the conduct of this accused person along with others are not at all satisfactory. As such, inspite of granting bail twice by the Learned Court below earlier, in the last occasion, the Learned Special

Judge (NDPS), Dhalai Judicial District, Ambassa was pleased to set aside the bail application and remand back the accused in custody.

So, considering the nature of the case at this stage, I am not inclined to release the accused on bail. So, her bail application is rejected accordingly. She is to remain in Judicial Custody as before. However, considering the present position of the case, Learned Special Judge (NDPS), Dhalai Judicial District, Ambassa shall make all endeavour to dispose of the case latest by 31.05.2025. If within that period, Learned Court below fails to dispose of the case, in that case, on the approach of the accused person, Learned Court may take lenient view to consider the bail application of the accused person in accordance with law.

Hence, the bail application is disposed of.

Send down the LCR along with a copy of this order.

A copy of this order also be supplied to Learned P.P. in course of the day.

JUDGE