

SPL TR 01 of 2026
CNR WBUD01-00-1774-2025
State Versus Samiran Paul(A1), Dipti Paul(A2) & Jagannath Paul(A3)
Under Sections 316(5)/340(2)/61(2) BNS

Order no. 06
20.08.2025

1. Today is fixed for physical production of the accused person, namely, Samiran Paul(A1), appearance of the accused persons namely, Dipti Paul(A2) and Jagannath Paul(A3) and for consideration of charge.
2. The learned Public Prosecutor-in-Charge is present and ready to proceed with the Learned Lawyer representing the defacto-complainant.
3. A1 is produced physically from JC and is being represented by his Ld. Lawyer, who files a *vokalatnama* duly executed by accused A1, while A2 and A3, are present and are represented by their respective learned counsel.

In re: Consideration if charge

4. The record is taken up for consideration of charge.
5. The learned Public Prosecutor-in-Charge opens the case, draws the attention of this Court to the incriminating materials collected during investigation and submits that a prima facie case for commission of offences punishable under Sections **316(5)/340(2)/61(2) BNS** stands clearly disclosed.
6. Heard the learned Public Prosecutor-in-Charge and the learned counsels appearing for the accused persons.
7. Perused the materials on record as well as CD.
8. Upon a holistic appraisal of the materials on record, this Court is of the considered view that a strong prima facie case for offences punishable under Sections **316(5)/340(2)/61(2) BNS** is well made out against the accused persons.
9. Accordingly, a formal charge is framed against the accused persons on a separate sheet, which forms part of the case record.
10. The contents of the charge are read over and explained to the accused persons in their vernacular, to which each of them pleads not guilty and claims to be tried, stating "**Ami Nirdosh.**"
11. Let the trial be commenced.
12. Let the matter be listed on **16.11.2026** for evidence of CSW no. 1 and for production of A1 and appearance of A2 and A3.
13. Prosecution to take step to ensure the appearance of the witnesses and production of Alamat, if any, as per above schedule.

In Re: Prayer for bail of accused A1

14. Learned Lawyer for accused A1 files an application for bail. Copy served.
15. Learned Lawyer for accused A1 presses the prayer on the ground that his client has remained in custody for more than seven months and that the two co-accused are already on bail.
16. Learned PP-in-Charge, assisted by the Learned Lawyer for the *defacto complainant*, raises vehement opposition, submitting that accused A1 is the principal architect of the alleged defalcation of public money.
17. It is further submitted that, charge having been framed today, there is no reasonable apprehension of an inordinate delay in conclusion of the trial.

18. Prolonged incarceration is undoubtedly a relevant consideration, but it cannot, by itself, ripen into an indefeasible right to bail, particularly where the accusation concerns defalcation of public funds.
19. Economic offences constitute a distinct class, striking at public confidence and the financial integrity of the State. Public money is held in trust for the community; its dishonest diversion is, therefore, not merely a private wrong but an offence bearing a pronounced societal dimension.
20. The plea of parity also cannot operate mechanically where the alleged roles of the accused persons are materially different.
21. Considering the gravity of the accusation, the alleged pivotal role of accused A1, the nature of the property involved, and the present stage of the proceeding, this Court finds no sufficient ground to exercise discretion in his favour.
22. Accordingly, the prayer for bail of accused A1 stands rejected at this stage.
23. Todate.

Dictated and corrected by me

Judge Special Court(NDPS Act),
Raiganj, Uttar Dinajpur.

Judge Special Court (NDPS Act)
Raiganj, Uttar Dinajpur.