

**HIGH COURT OF TRIPURA
AGARTALA**

B.A. No.78 of 2025

Jaynab Banu

W/O Joynal Miah, aged about 31 years,
Resident of Gajaria, Muslimpara,
P.O.-S.D. Mission, P.S.- A.D. Nagar,
District-West Tripura;

---- Applicant

Joynal Miah

S/O Sahid Miah, aged about 43 years,
Resident of Gajaria, Muslimpara,
P.O.-S.D. Mission, P.S.- A.D. Nagar,
District-West Tripura;

---- Accused person

Versus

The State of Tripura

----Respondent(s)

For Applicant(s)	:	Mr. Sankar Lodh, Adv.
For Respondent(s)	:	Mr. Rajib Saha, Addl. P.P.

HON'BLE MR. JUSTICE BISWAJIT PALIT
Order

26/09/2025

This bail application under Section 439 of Cr.P.C. corresponding to 483(1)(b) of BNSS, 2023 is filed for releasing the accused person in custody namely Joynal Miah on bail in connection with A.D. Nagar PS case No.2023ADN072 for the offence punishable under Section 120(B)/212 of IPC and Section 20(b)(ii)(C)/25/29 of NDPS Act, 1985 and Section 3 of Passport(Entry into India) Act, 1920.

Heard Learned Counsel Mr. Sankar Lodh appearing on behalf of the accused person in custody and also heard Learned Addl. P.P. Mr. Rajib Saha appearing on behalf of the State-respondent.

As ordered earlier, this Court has received the record from the Learned Trial Court and also, Learned Addl. P.P. has produced the Case Diary.

Taking part in the hearing, Learned Counsel for the accused person in custody submitted that by order dated 27.11.2024 in connection with B.A. No.74 of 2024, the bail application of this accused person was rejected by this Court. Thereafter, this present accused person moved another bail application before this Court, which was registered as B.A. No.18 of 2025 and by order dated 09.04.2025, this Court again rejected the bail application of the accused and directed the Learned Special Judge to split up the case record in respect of another accused person and complete the trial against the present accused person within a period of 6(six) months from the date of receipt of copy of the order but up to this stage, prosecution has adduced 5(five) numbers of witnesses out of 8(eight) numbers of witnesses and the evidences of the 3(three) witnesses are yet to be examined. So, considering the long incarceration of the accused in jail, i.e., with effect from 01.04.2024, the accused may be released on bail in any condition.

On the other hand, Learned Addl. P.P. submitted that in this case, 5(five) numbers of witnesses out of 8(eight) numbers of witnesses have already been examined and from the record, it appears that Learned Special Judge has fixed for recording the evidence of PW-7 and PW-8 on 05.12.2025 so instead of 05.12.2025, Learned Special Judge may be asked to prepone the date fixed for recording the evidence in the month of November and to complete the process of trial by the end of December, 2025.

Considered.

Perusing the record, it appears that the accused is in incarceration in jail with effect from 01.04.2024 and he filed bail application before this High Court twice and in both the occasions, his bail application was rejected because there was serious allegation against him for possessing contraband items of commercial quantity.

However, the trial is going to be completed very shortly. Learned Special Judge has fixed the next date on 05.12.2025 for recording evidence of PW-7 and PW-8 and by this time Learned Special Judge has issued summons upon the said witnesses.

Accordingly, Learned Special Judge be asked to prepone the next date of hearing for recording evidence of PW-7 and PW-8 in the month of November, 2025 and thereafter Learned Special Judge shall make all endeavour to dispose of the case latest by the end of December, 2025.

So, considering the situation, at this stage I am not inclined to release the accused on bail. The bail application filed by the applicant on behalf of the accused namely Joynal Miah is rejected. The accused is to remain in Judicial Custody as before.

Learned P.P. be asked to inform the Learned P.P. of the concerned District Court to ensure the production of witnesses i.e. PW-7 and PW-8 before the Court of Learned Special Judge on the date to be fixed.

A copy of this order be communicated to Learned Special Judge for information and compliance. Also, a copy of this order be supplied to Learned P.P. for information and compliance.

With this observation, this bail application stands disposed of.

Send down the record of Learned Trial Court along with a copy of this order.

Return back the Case Diary to IO through Learned P.P. along with a copy of this order.

JUDGE

