

**HIGH COURT OF TRIPURA
AGARTALA
BA No.82 of 2025**

Miss Payel Datta,
D/O- Sri Uttam Datta,
Resident of Shantilla, Kamalnagar
P.O. & P.S.- Sonamura,
District- Sepahijala, Tripura.

--- Applicant

In the matter of:-

Sri Uttam Datta,
S/O- Late Swapan Datta,
Resident of Shantilla, Kamalnagar,
P.O. & P.S.- Sonamura,
District-Sepahijala, Tripura.

----Custody accused person (Jail Custody)

For and on behalf of custody accused person

-Vs-

The State of Tripura
Represented by the Secretary,
Department of Home,
Government of Tripura,
Agartala.

---Respondent

For Applicant(s)	:	Mr. Anjan Kanti Pal, Adv.
For Respondent(s)	:	Mr. Raju Datta, P.P.

HON'BLE MR. JUSTICE BISWAJIT PALIT

Order

25/09/2025

This bail application under Section 439 of Cr.P.C., 1973 is filed for granting bail to the accused Uttam Datta who is lodging in jail in connection with Sonamura P.S. Case No.93 of 2023 registered under Sections 20(b)(ii)(c)/25/29 of NDPS Act corresponding to Spl. (NDPS) 85 of 2023.

Heard Learned Senior Counsel, Mr. A. K. Pal appearing on behalf of the accused-in-custody and also heard Learned P.P., Mr. Raju Datta appearing on behalf of the State-respondent.

Today Learned P.P. has produced the CD and also by this time we have received the record from the Learned Trial Court.

At the time of hearing, Learned Counsel, Mr. A. K. Pal drawn the attention of the Court that initially the accused was granted bail but thereafter, the prosecution has challenged his bail application and by order dated 31.01.2025 this Court in B.A. No.92 of 2024 also rejected his bail application. In the meantime trial commenced and prosecution upto this stage has only recorded the evidence of 7 numbers of witnesses out of 14 numbers of witnesses. So, Learned Counsel considering the period of detention of the accused-in-custody urged for releasing the accused on bail in any condition.

Learned P.P. strongly opposed the bail application and submitted that initially he was granted bail which was challenged by the State and this High Court by the aforesaid order rejected his bail application and directed him to surrender before the Court but the accused did not surrender. Ultimately Learned Trial Court below was pleased to issue warrant of arrest against him and on the basis of warrant of arrest he was taken into custody.

Learned P.P. further submitted that out of 14 numbers of witnesses upto this stage 7 numbers of witnesses have been examined. So, Learned P.P. submitted that if at this stage the accused is released on bail that there is every chance of his absconsion. So, Learned P.P. urged for dismissal of this bail application.

I have perused the record of the Learned Trial Court. The case is now fixed for recording evidence of the rest witnesses w.e.f. 04.11.2025 to 10.11.2025.

Initially the accused was granted bail by order dated 29.01.2024 passed by Learned Special Judge, NDPS Act, 1985, Sepahijala District, Sonamura but thereafter prosecution has challenged the bail order and this Court by order dated 31.01.2025 in B.A. No.92 of 2024 (supra) has rejected his bail application and directed him to surrender before the Learned Trial Court but the accused did not surrender.

So, by order dated 10.02.2025 the warrant of arrest was issued against the accused and he was produced in execution of warrant of arrest before the Learned Trial Court on 02.06.2025. The conduct of the accused was not satisfactory although Learned Counsel drawn the attention of the Court that due to illness he could not appear before the Court. But from the record no such convincing materials were found. However, 7 numbers of witnesses have been examined by this time out of 14 numbers of witnesses and the next date of calendar has already been fixed by the Learned Trial Court. So, considering the materials on record, at this stage I do not find any scope to release on bail. So, this bail application is accordingly stands rejected. The accused is to remain in J/C as before.

It is ordered that Learned Court below shall make all endeavour to dispose of the case giving top priority by 31.01.2026.

With this observation, this present bail application stands disposed of.

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

Return back the CD to I/O through Learned P.P. along with a copy of this order.

Also a copy of this order be communicated to the Court of Learned Special Judge, NDPS Act, 1985, Sepahijala District, Sonamura.

JUDGE



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Amrita

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