

24.02.2026
Sl. No.01
Ct. 28
NB

C.R.M. (R) 108 of 2025

In Re:- An application for bail under Section 483 of the Bharatiya
Nagarik Suraksha Sanhita, 2023.

And

In the matter of:- Dr. Santi Prasad Sinha petitioner

Mr. Manjit Singh Sr.Adv.,
Mr. Uttam Kr. Shaw,
Mr. Biswajit Mal,
Mr. Arkaprabho Roy.
...for the petitioner.

Mr. Kishore Dutta Id.AG.,
Mr. Rudradipta Nandy, Id.APP.,
...for the State.

Mr. Dhiraj Kumar Trivedi Id.DSGI,
Mr. Samrat Goswami,
Mr. Shwetank S. Prasad,
Ms. Supriti Sarkhel.
...for the Enforcement Directorate.

Learned senior counsel representing the ED submitted that the Minister in question, who was under the scanner, would be made an accused in the PML Act case by 31st March, 2026.

Upon a question put to the State about the time it might take to decide the question of grant of sanction for prosecution, the learned Advocate General representing the State submitted that in an application under Section 439 of the Cr.PC, the Court was to confine its jurisdiction within the parameters under Section 439 of the Cr.PC and in case, the Court felt some other essential issues are required to be gone into, the High Court being a Constitutional Court had to frame the question and refer it to the other jurisdiction of the High Court. He relied on Sanjay Dubey vs. State of MP,

(2023) 17 SCC 187 and tried to distinguish Nathu Singh vs. State of UP and Ors., (2021) 6 SCC 64.

This Court has neither decided any other issue nor has tried to do anything other than dealing with the instant application for bail.

As the specific question asked to the State through the learned Advocate General was not being answered, this Court again put the same question to him. The answer could have fairly been in the negative.

But, the learned Advocate General again stuck to his earlier submissions and effectively refused to answer the question asked.

This issue had cropped up because in such cases where the Hon'ble Apex Court granted bail to the accused, it had taken into consideration whether the Trial was going to proceed smoothly or not. Moreover, the ED had alleged that the machineries of the State were hand in glove with the accused.

Therefore, if the Learned Advocate General refuses to answer the Court's simple query about whether the State was going to decide the question of grant of sanction for prosecution within a reasonable time or not, it will be futile to seek any further response from the State in this regard.

For the present, the State shall be at liberty not to represent itself any further in this matter.

List this matter for further consideration under the same heading on 27th February, 2026 at 2pm..

Urgent Photostat certified copy of this order, if applied for, be given to the parties, upon completion of requisite formalities.

(Jay Sengupta, J.)