

Subhabrata Roy @ Bapi Roy @ Roy Bapi vs The State Of West Bengal on 18 July, 2023

Author: B.V. Nagarathna

Bench: B.V. Nagarathna

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. OF 2023
(@ Special Leave Petition (Crl.) No.4637/2023)

SUBHABRATA ROY @ BAPI ROY @ ROY BAPI

...APPELLANT

VERSUS

THE STATE OF WEST BENGAL

...RESPONDENT

O R D E R

Leave granted.

The respondent/State has filed its counter affidavit and the same is taken on record.

We have heard learned counsel for the appellant and learned counsel for the State.

Learned counsel for the appellant has drawn our attention to similar orders passed by this Court and sought relief on similar terms. Per contra, learned counsel for the respondent stated that the trial is at the fag end and only one witness has to be examined and, therefore, this is not a fit case for grant of bail; also there are other cases pending against the appellant, as noted in paragraph 5 of the counter affidavit.

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Having heard learned counsel for the respective parties and on perusal of the material on record, we are inclined to follow the orders passed by this Court in Criminal Appeal No.2013 of 2022 - Sabikul

Kunahar @ Sabiku Nahar Mondal v/s. The State of West Bengal on 18.11.2022; SLP (Crl.) No.9064/2022 – Subrata Biswas @ Subra Biswas v/s. The State of West Bengal on 25.11.2022 and order passed in Criminal Appeal No.2293 of 2022 – Soni Devi v/s. The State of West Bengal on 15.12.2022.

In all the aforesaid cases, the recoveries made were in the nature of 190 bottles or 30 bottles of Phensedyl Syrup etc. This Court, considering the fact that the accused therein were in custody for quite sometime, which is also so in the instant case, bail was granted to the accused therein. We see no reason to differ from the aforesaid orders.

It is to be noted that in the present case, there was recovery of 28 bottles of 100ml each (2800ml) of Phensedyl Syrup. Considering the aforesaid orders and on the principle of Articles 14 and 21 of the Constitution of India, the appellant is released on bail, subject of contd..

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course, to the conditions that may be imposed by the concerned Special Court.

The present Appeal is disposed of in the aforesaid terms.

.....J. [B.V. NAGARATHNA]J. [UJJAL BHUYAN]
NEW DELHI JULY 18, 2023 ITEM NO.2 COURT NO.15 SECTION II-B S U P R E M E C O U R T O
F I N D I A RECORD OF PROCEEDINGS Petition(s) for Special Leave to Appeal (Crl.) No(s).
4637/2023 (Arising out of impugned final judgment and order dated 03-11-2022 in CRM (NDPS)
No. 1298/2022 passed by the High Court at Calcutta) SUBHABRATA ROY @ BAPI ROY @ ROY
BAPI Petitioner(s) VERSUS THE STATE OF WEST BENGAL Respondent(s) (IA No. 63410/2023 -
PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES) Date : 18-07-2023
This matter was called on for hearing today. CORAM :

HON'BLE MRS. JUSTICE B.V. NAGARATHNA HON'BLE MR. JUSTICE UJJAL
BHUYAN For Petitioner(s) Mr. Dibyadyuti Banerjee, Adv.

Mrs. Sumedha Halder, Adv.

Mr. Rohit Jaiswal, Adv.

Mr. Abhijit Sengupta, AOR Mr. Ravi Shankar Prasad, Adv. Mr. Sermon Rawat, Adv.

Mr. Umang Gupta, Adv.

For Respondent(s) Ms. Nandini Sen Mukherjee, AOR UPON hearing the counsel the
Court made the following O R D E R Leave granted.

The appeal is disposed of in terms of the signed order and the appellant is ordered to be released on bail subject to the conditions that may be imposed by the concerned Special Court.

Pending application(s) shall stand disposed of.

(NEETU SACHDEVA) (MALEKAR NAGARAJ) ASTT. REGISTRAR-cum-PS COURT MASTER (NSH) (signed order is placed on the file)