

**HIGH COURT OF TRIPURA
AGARTALA
AB NO.10 OF 2023**

Shri Pranesh Debbarma and anr.
Vs.
The State of Tripura.

HON'BLE MR. JUSTICE T. AMARNATH GOUD

Present:

For the Petitioner(s)	: Mr. P. Roy Barman, Sr. Advocate. Mr. S. Bhattacharjee, Advocate. Mr. D. Paul, Advocate.
For the Respondent(s)	: Mr. R. Datta, P.P. Mr. S. Ghosh, Addl. P.P.

04.07.2023

Order

This is an application filed under Section 438 of the Criminal Procedure Code, 1973 for granting pre-arrest bail to the accused petitioners herein in the event of their arrest in connection with Fatikroy P.S. Case No.2023FTK015, dated, 18.03.2023, under Section 20(b)(ii)(c)/25/29 of NDPS Act, 1985.

The brief fact of the case is that on receipt of the secret information, 119,642 KGs of Dry Ganja was recovered from a vehicle bearing Registration No.TR01BV0223(Bolero TUV300 T6) white colour. Thereafter, the above-mentioned FIR was registered. The accused-petitioner herein apprehending their arrest filed this present Anticipatory Bail application.

Heard Mr. P. Roy Barman, learned Sr. counsel assisted by Mr.S. Bhattacharjee, learned counsel and Mr. D. Paul, learned counsel appearing for the petitioners as well as Mr. S. Ghosh, learned Addl. P.P. along with Mr. S. Ghosh, learned counsel appearing for the State-respondent.

Mr. Barman, learned Sr. counsel submits that the search and seizure of the contraband items were done without a search warrant from

the learned Court. The accused petitioners herein are not FIR-named persons and the petitioners have no connection relating to the aforesaid complaint. There is no iota of evidence against the present petitioners regarding their involvement in the instant case.

To support his argument, the learned Sr. counsel referred to the relevant paras of Hon'ble Apex Court Judgment reported in **(2004) 12 SCC 266** titled as **Sarija Banu alias Janarthani alias Janani and anr. Vs. State through Inspector of Police**, Hon'ble High Court of Rajasthan Judgment passed in **S.B. Criminal Misc. Suspension of Sentence Application(Appeal) No.1199/2022 in S.B. Criminal Appeal No.311/2022** titled as **Shrawan Kumar Vs. State of Rajasthan**, Judgment passed by this Court reported in **(2016) 1 TLR 617** titled as **Khalek Miah vs. State of Tripura**.

On the other hand, Mr. S, Ghosh, learned Addl. P.P. submits that as reflected and revealed in the case diary, the accused persons are very much involved in the alleged crime committed, and hence for the purpose of investigation, the accused petitioners are very much required.

Heard both sides and perused the evidence on record.

As this present matter relates to the recovery of huge amount of contraband items and the name of the accused-petitioners herein has come up in the investigation as per the case dairy produced by learned Addl. P.P, this Court is not inclined to grant anticipatory bail to the accused-petitioner herein and hence, this present application stands dismissed.

The petitioners herein are directed to surrender before the concerned Court within a period of 1(one) week from today and seek appropriate relief and the concerned Court below shall consider the same on merits.

JUDGE

suhanjit

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SUHANJIT
SINGHA

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SUHANJIT SINGHA
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