

**HIGH COURT OF TRIPURA
AGARTALA
B.A. No.83 of 2024**

Najmin Akter,

Wife of Saha Alam @ Saha Jalal,
To be represented by Mobarak Hosen,
Resident of village-Anandanagar, PO- Kamalnagar,
PS- Sonamura, District- Sepahijala Tripura, aged about 52
years.

.....Applicant

Versus

The State of Tripura,

Represented by the Ld. Public Prosecutor,
High Court of Tripura, PO- Kunjaban,
PS- New Capital Complex, Sub-Division- Sadar,
District- West Tripura.

...Respondent (Non-applicant)

For Applicant(s)	:	Mr. Somik Deb, Sr. Adv, Mr. P. Debbarma, Adv,
For Respondent(s)	:	Mr. Raju Datta, P.P, Mr. Rajib Saha, Addl. P.P.

HON'BLE MR. JUSTICE BISWAJIT PALIT

Order

17/12/2024

This bail application under Section 483 of BNSS is filed for releasing the accused-in-custody, Najmin Akter who is lodging in jail in connection with Sonamura P.S. case No.2024SNM084 under Section 20(b)(ii)(c)/25/29 of NDPS Act, 1985.

Heard Learned Senior Counsel, Mr. Somik Deb assisted by Learned Counsel, Mr. P. Debbarma appearing on behalf of the accused-in-custody and also heard Learned P.P., Mr. R. Datta appearing on behalf of the State-respondent.

As per order of the Court, Learned P. P. has produced the Case Diary and also by this time we have received the LCR. In course of hearing, Learned Senior Counsel for the accused-in-

custody first of all drawn the attention of the contents of the FIR and submitted that the present accused, being a woman has been falsely implicated in this case and nothing was recovered from her possession and she had no knowledge about the alleged crime and considering the period of detention of the accused-in-custody, Learned Counsel urged for releasing the accused on bail in any condition.

Learned Senior Counsel also drawn the attention of the Court, referring one order dated 05.12.2023 passed by this High Court in connection with BA No.50 of 2023 and referring the said order, Learned Counsel urged for taking lenient view in respect of bail of the accused-in-custody since she is a woman.

On the other hand, Learned P. P. appearing on behalf of the State-respondent strongly opposed the bail application and submitted that there is sufficient materials showing implication of the accused with the alleged crime and from the dwelling hut of the accused-in-custody and her husband, huge contraband items of commercial quantity was recovered. So, considering the nature and gravity of the offence, Learned P. P. urged for rejection of the bail application.

Considered.

In this case, the FIR was set into motion on the basis of an FIR laid by W/SI (UB), Shibani Debbarma to O/C Sonamura P.S. alleging inter alia that on 10.09.2024 at about 1530 hours, the informant received one information from reliable source that a huge quantity of suspected dry cannabis (ganja) are kept and concealed in the dwelling house of one Saha Alam, S/O- Mafij Miah of Kamalnagar, Ward No.04

(Kutturmura) P.S.- Sonamura and requested for police presence at place of occurrence for taking further course of action. The matter was entered in GD and the informant conveyed the matter to O/C P.S. and obtained written permission from SDPO, Sonamura and informed S.P. and thereafter, sent a letter to SDM, Sonamura for arranging two (02) nos. of Government servant (Officials) for witnesses and after receiving permission from the superior authority, the informant along with S.I. Jayanta Das accompanied by Inspector Jayanta Kr. Dey and other staff rushed to the place of occurrence at Kamalnagar and called two local people to remain present at the time of pre-search, search and raid in the dwelling house of Saha Alam. Said Saha Alam absconded from the place of occurrence to avoid police arrest but no local witness came forward and the wife of the house owner namely, Najmin Akter was available in the house. Then the informant prepared pre-search memo in presence of independent witnesses and after pre-search, he prepared search memo for searching the dwelling house of Saha Alam. Thereafter, they cordoned the house and started searching inside the dwelling house and recovered 05 (five) numbers of blue colour plastic drums concealed under the ground containing suspected to be dry Ganja (cannabis) from the dwelling house of Saha Alam. After recovery on measuring it was found that total weighing 184 Kg of dry Ganja. Immediately, thereafter, the informant seized the drums after preparing seizure list in presence of witnesses from the possession of Najmin Akter. On spot verification it was revealed that the FIR named APs namely Najmin Akter and her husband

jointly stored the said 05(five) numbers blue colour plastic containers suspected to be dry ganja for the purpose of selling and accordingly, the accused was taken into custody after observing all formalities. Hence, the informant laid the FIR. On the basis of that FIR, a case was registered and the accused-in-custody was produced under arrest before the Court on 11.09.2024 and since then, the said accused is lodging in jail.

I have perused the record of the Learned Court below and also gone through the Case Diary produced by the I.O. through Learned P.P. The investigation of the case is in progress and considering the materials on record and also in view of the provision provided under Section 37 of NDPS Act, at this stage, I do not find any scope to presume the accused to be innocent. Hence, the bail application filed on behalf of the accused-in-custody stands rejected being devoid of merit. The accused is to remain in J/C as before.

Send down the LCR along with a copy of this order. Also return back the Case Diary to I.O. through Learned P. P. along with a copy of this order. The I.O. also be asked to expedite investigation and to submit report.

With this observation, this bail application stands disposed of.

JUDGE

**MOUMITA
DATTA**

Purnita

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MOUMITA DATTA
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