

HIGH COURT OF TRIPURA
AGARTALA

BA 55 of 2023

Siddik Miah
..... Applicant
Versus
The State of Tripura
....Respondent(s)

For the Applicant(s)	:	Mr. P. Roy Barman, Sr. Advocate Mr. Kawsik Nath, Advocate
For the Respondent(s)	:	Mr. S. Debnath, Addl. P.P.

HON'BLE MR. JUSTICE ARINDAM LODH

Order

05/01/2024

This is an application filed by the accused-applicant who has been arrested in connection with Jatrapur PS Case No.39 of 2023 under sections 22(c)/25/29 of NDPS Act, 1985.

Heard Mr. P. Roy Barman, learned senior counsel assisted by Mr. Kawsik Nath, learned counsel appearing for the applicant. Also heard Mr. S. Debnath, learned Addl. P.P. appearing for the State-respondent.

Briefly stated, a *suo motu* FIR was lodged by Sub-Inspector of Police of Jatrapur P.S. on behalf of the State of Tripura alleging *inter alia* that on the basis of a secret information, they cordoned Ninderpar area under Jatrapur P.S. and found Maruti vehicle. On search of the vehicle they found some bottles appear to contain phensedyl. Thereafter, those bottles (295 bottles of 100 ml each) had been seized and had been taken to Malkhana of the P.S. During the course of investigation, the unregistered owner of the vehicle disclosed that at that relevant point of time the accused person was his driver.

Mr. Debnath, learned Addl. P.P has submitted that during the course of investigation, notices were served upon previous registered owner of the vehicle namely Abdul Karim as well as Billal Hossain.

It is evident from the bail application that Abdul Karim had sworn an affidavit dated 15.06.2023 at Sonamura stating *inter alia* that he being the registered owner of vehicle had sold it to Billal Hossain due to financial deplorable condition. That after selling the vehicle said Abdul Karim had left India and at present he is residing abroad. After receipt of the notice issued by the Investigating Officer, the father of Abdul Karim appeared before the Investigating Officer where he disclosed that his son had sold the vehicle to Billal Hossain. Similarly, Billal Hossain, the purchaser of the vehicle also appeared before the Investigating Officer when he disclosed the name of the driver of the vehicle as Siddik Miah.

Mr. Roy Barman, learned senior counsel for the applicant has submitted that Siddik Miah is totally innocent and mere statement of Billal Hossain he should not be arrested and should not be implicated in this case. Moreso, chargesheet has been submitted and there is no material in the chargesheet against Siddik Miah except the statement made by Billal Hossain that he was the driver of the vehicle.

I have considered the submission of learned counsel for the parties.

In my opinion, Billal Hossain, the purchaser of the offending vehicle during the course of investigation had disclosed the name of the accused-applicant as his driver.

In view of this specific statement, I am not inclined to release the accused-applicant on bail.

Hence, the instant bail application stands rejected.

JUDGE

Rohit

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by SANJAY
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