

**HIGH COURT OF TRIPURA
AGARTALA**

B.A. No.15 of 2025

Abdul Shaheed @ Shaheed
Son of Sri Abdul Samad,
Resident of Arabindanagar Colony,
P.S.-Irani, Unakoti, Tripura, (Age-37 years)

---- Applicant(s)

Versus

The State of Tripura
(to be represented) by the L'd Public Prosecutor, the Hon'ble High
Court of Tripura, Agartala, West Tripura

----Respondent(s)

For Applicant(s)	:	Mr. Purusuttam Roy Barman, Sr. Adv, Mr. Dipjyoti Paul, Adv.
For Respondent(s)	:	Mr. Raju Datta, P.P.

HON'BLE MR. JUSTICE BISWAJIT PALIT
Order

01/04/2025

This bail application under Section 439 of Cr.P.C. is filed for releasing the accused-in-Custody namely Abdul Shaheed @ Shaheed Ali in connection with Irani P.S. case No.27 of 2024 corresponding to Special (NDPS)11 of 2024 for the offence punishable under Section 22(a)/22(c)/29 of NDPS Act.

Heard Learned Senior Counsel, Mr. Purusuttam Roy Barman assisted by Learned Counsel, Mr. Dipjyoti Paul appearing on behalf of the accused-in-custody and also heard Learned P.P., Mr. Raju Datta appearing on behalf of the State-respondent.

Taking part in the hearing, Learned Senior Counsel first of all drawn the attention of the Court that the accused is lodging in custody for more than 300 days and by this time, trial is almost complete but till today the prosecution before the Learned Trial Court below could not place any materials showing implication of the accused with the alleged commission of offence and referring the evidence on record and the FIR, Learned Senior Counsel

further drawn the attention of this Court that at this stage the rigour of Section 37 of NDPS Act would not be applied against the accused. So, he urged for releasing the accused on bail in any condition.

On the other hand, Learned P.P. appearing on behalf of the accused submitted that the accused is FIR named and there is allegation against him showing his implication with the alleged crime and considering the materials on record, since the trial of the case is not yet been completed so his bail application at this stage cannot be considered and urged for dismissal of the bail application.

Considered.

In this case, the prosecution was set into motion on the basis of an FIR laid by one Durgesh Kumar Inspector 'A' coy 199 BN BSF to O/C Irani PS alleging inter alia that on 30.04.2024 at about 22:05 hours, a specific information was received by Inspector Durgesh Kumar, Offg Coy Comdr. 'A' Coy BOP Tillabazar from SI/G Kishore Kumar Kuldeep unit G cell that an Indian national was roaming in Tillabazar market area for selling of Yaba tablets. Accordingly, a special QRT party led by Inspector Durgesh Kumar, Offg Coy Comdr. 'A' Coy BOP Tillabazar comprising of 02(two) SOs and 04(four) ORs immediately rushed to the spot. Then, BSF party noticed an Indian national tried to run away on road leading towards Rangoti from Tillagaon and chased him and ultimately apprehended the same person namely Sakil Ahmed and recovered from him 1804 numbers of Yaba tablets in 3(three) packets along with other items. In course of interrogation, the said accused disclosed his name as Sakil Ahamed and also revealed that he works as a Salesman and earns Rs.5000/- for

selling Yaba tablets and he received all the consignment from one Shaheed Ali and in the FIR, the Inspector Durgesh Kumar also mentioned the names of Nazrul Ali, Amin Ali, Kamran Ali, Govindo, Mumin Miya, Kamal Miya, Fazal Ali and as backward link Shaheed Ali. The case was registered and in course of investigation, the IO forwarded accused Sakil Ahamed before the Court on 02.05.2024 and on 24.05.2024, this present accused-applicant Abdul Shaheed was produced before the Court. The IO after completion of investigation laid charge-sheet against accused Sakil Ahamed and Abdul Shaheed @ Shaheed Ali and accordingly by order dated 02.08.2024, cognizance of offence was taken by Learned Special Judge, Unakoti District, Kailashahar under Section 22(a)/22(c)/29 of NDPS Act. Charge was framed and up to this stage, prosecution has adduced 6(six) numbers of witnesses out of 7(seven) numbers of witnesses before the Court including the informant and the IO.

I have perused the relevant prosecution papers and also the evidence on record. So, considering the materials on record and also after going through the evidence on record, at this stage I do not find any scope to detain the accused Abdul Shahed @ Shaheed Ali furthermore in custody. Hence, considering the materials on record as well as the evidence on record and the period of detention of the accused-in-custody, the accused Abdul Shahed @ Shaheed Ali may be enlarged on bail of his execution of bail bond of Rs.1,00,000/- with two sureties of like amount to the satisfaction of Learned Special Judge, Unakoti District, Kailashahar on condition to appear before the Court of Learned Special Judge, Unakoti District, Kailashahar, twice in a week i.e., on every Monday and Thursday at 10:30 am, till conclusion of trial, i.d. to remain in J/C as before.

With this observation, this bail application is allowed and disposed of.

Send down the LCR along with a copy of this order.

A copy of this order also be supplied to Learned Senior Counsel for the applicant for information and compliance.

JUDGE

