

**HIGH COURT OF TRIPURA
AGARTALA
B.A. No.18 of 2025**

Shahid Miah,
S/O Late Abdul Khalek,
Resident of Gajaria, Muslim Para,
P.O.-S.D. Mission, P.S- A.D. Nagar,
Dist.- West Tripura.

**.... Petitioner on behalf of the
Accused Person-in-Custody**

Jaynal Miah,
S/O Sahid Miah,
Resident of Gajaria, Muslim Para,
P.O.-S.D. Mission, P.S.- A.D. Nagar,
Dist.- West Tripura.

**.... Accused Person-in-Custody
Versus**

The State of Tripura

.....Respondent

For Applicant(s)	:	Mr. Subrata Sarkar, Sr. Adv. Mr. Kabrabam Dharendra Singha, Adv. Mr. Dhiman Gope, Adv.
For Respondent(s)	:	Mr. Rajib Saha, Addl. P.P.

HON'BLE MR. JUSTICE BISWAJIT PALIT

Order

09/04/2025

Learned Senior Counsel Mr. S. Sarkar assisted by Learned Counsel Mr. K.D. Singh and Learned Counsel Mr. D. Gope are present on behalf of the accused-in-custody namely Jaynal Miah. Learned Addl. P.P. Mr. R. Saha is present for the State-respondent.

We have received the record from the Court of Learned Special Judge, Court No.4, West Tripura, Agartala.

Taking part in the hearing Learned Senior Counsel drawn the attention of the Court that in this case there are two accused persons and by this time the I.O. has submitted chargesheet against accused Jaynal Miah and also against accused Arfin Hossain Joy and accordingly cognizance of offence has been taken under Section 20(b)(ii)(c)/25/29 of the NDPS Act, 1985 read with Section 03 of IPP Act against the aforesaid accused persons.

It is further submitted by Learned Counsel that the present accused Jaynal Miah was surrendered before the Court on 01.04.2024 and since then he is lodging in jail.

It is further submitted by Learned Senior Counsel that another accused Arfin Hossain Joy has been granted default bail by order dated 11.07.2024 as the chargesheet could not be submitted within time but after granting of bail the said accused absconded and his presence could not be ensured before the Learned Court of Special Judge and in spite of filing of chargesheet trial could not be commenced. So Learned Senior Counsel urged for releasing the accused on bail in any condition. It was further submitted that by the investigating agency nothing was found from the possession of the accused, so Learned Counsel submitted that he may be released on bail in any condition.

On the other hand, Learned Addl. P.P. Mr. R. Saha, appearing on behalf of the State-respondent, submitted that in this case chargesheet is submitted and cognizance of offence has been taken for possessing contraband items of commercial quantity. So at this stage, there is no scope to release the accused on bail rather Learned Addl. P.P. urged before the Court to issue a direction to the Learned Special Judge to split up the trial if the other accused person is found to be absconding against this present accused for the sake of justice.

Considered.

I have heard both the sides at length and perused the record. It appears that by order dated 12.08.2024 cognizance of offence has been taken against this present accused and another accused Arfin Hossain Joy who inspite of releasing on bail did not turn up before the Court and he is absconding and for that inspite of taking cognizance of offence trial could not be commenced.

From the record of the Learned Trial Court below it appears that the case is posted for execution report in respect of absconding accused Arfin Hossain Joy and warrant could not be executed and as such Learned Special Judge has issued proclamation against the said accused.

It is the admitted position that, this present accused is lodging in custody on and from 01.04.2024 and due to non appearance of another accused he is languishing in jail. However, considering the nature of the allegation of the prosecution at this stage I do not find any scope to release the accused on bail.

Hence, this bail application stands rejected. The accused is to remain in JC as before.

However, it is ordered that the Learned Special Judge may take steps for splitting up of the case record against the absconding accused and may take step for proceeding trial against the accused in custody and all endeavour should be made to complete the process of trial against this accused within a period of 6 (six) months from the date of receipt of the copy of this order.

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

A copy of this order be furnished to Learned Addl. P.P. for information and necessary action.

This bail petition stands disposed of.

JUDGE

**MOUMITA
DATTA**



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DATTA
Date: 2025.04.10 17:10:51 +05'30'

Amrita