

**HIGH COURT OF TRIPURA
AGARTALA
B.A.No.27 of 2025**

Sri Rabin Biswas @ Tupai,
Son of Sri Mantosh Ranjan Biswas, aged about 29 years, resident of Office Lane (opposite to Siksha Bhawan), P.O. Agartala, P.S. West Agartala, District-West Tripura, Pin-799001.

---- Accused Person(s)

The accused person being lodged in judicial custody, the present petition is preferred and presented by the father of the accused person, **Sri Mantosh Ranjan Biswas**, son of Late Manoranjan Biswas, aged about 62 years, resident of Office Lane (opposite to Siksha Bhawan), P.O. Agartala, P.S. West Agartala, District-West Tripura, Pin-799001.

---- Applicant(s)

Versus

The State of Tripura

----Respondent(s)

For Applicant(s)	:	Mr. Sankar Lodh, Adv.
For Respondent(s)	:	Mr. Rajib Saha, Addl. P.P.

HON'BLE MR. JUSTICE BISWAJIT PALIT

Order

07/05/2025

This bail application is filed under Section 439 of Cr.P.C for releasing the accused, Sri Rabin Biswas @ Tupai on bail who is lodging in judicial custody in connection with case No.Special(NDPS) 170 of 2024 arising out of Agartala GRPS case No.2022 GRP 007 registered under Sections 21(c)/29 of NDPS Act, 1985.

Heard Learned Counsel, Mr. Sankar Lodh appearing on behalf of the accused-in-custody. Also heard Learned Addl. P.P., Mr. Rajib Saha appearing on behalf of the State-respondent.

Taking part in the hearing, Learned Counsel for the accused submitted that in earlier occasion the said accused preferred a bail application vide BA No.70 of 2024 which was dismissed by this Court

vide order dated 18.11.2024. It was further submitted by Learned Counsel for the accused that in the said bail application no finding was given in respect of application of the provision of Section 37 of the NDPS Act. Learned Counsel further submitted that by this time the I.O. of this case has submitted charge-sheet against all the accused persons and except the present accused, all other accused persons have already been granted bail. Furthermore, referring the statements of some of the witnesses recorded by I.O. during investigation, Learned Counsel submitted that there is no evidence against the present accused showing his implication with the alleged crime. Moreover, on the basis of statements of witnesses recorded by I.O., there is no scope to convict the present accused with the alleged crime because the consignments were not directly sent to the present accused nor he received the consignment from the Railway Parcel Office, so, the allegation of the prosecution is baseless and vague. Learned Counsel, Mr. Lodh further referring the report of the I.O. submitted that from the report of I.O., no incriminating evidence reveals against the accused person. So, this present accused may be released on bail in any condition.

On the other hand, Learned Addl. P.P., Mr. Saha appearing on behalf of the respondent-State strongly opposed the bail application and submitted that in the earlier occasion also, after elaborate hearing of both the sides, the bail application of the accused was rejected by this Court. He also referred point No.17.17, 17.21, 17.22, 17.25, 17.26 of the report dated 05.11.2024 submitted by the I.O. For the sake of convenience the relevant paras are mentioned hereinbelow:

"17.17 Investigation further revealed that seized 4520 bottles of "Eskuf cough syrup" were booked by M/s Sristhi Enterprise, 11/2/H/2, B G Road, Kolkata -15 for

accused person Abhijit Nama. The consignments were sent by Laxmi Enterprise to M/s Srishthi Enterprise for sending the same to Rabin Enterprise, Agartala by train through Abhijit Nama.

17.21. Investigation also revealed that accused person Smt Chandrani Dey is the owner of M/s Laxmi Enterprise. Laxmi Enterprise is a unregistered company. That, during investigation it is revealed that aforesaid accused person Smt Chandrani Dey has sent to Rabin Enterprise, Agartala many times.

17.22 Investigation further revealed that seized Eskuf were sent by accused person Smt Chandrani Dey to accused person Rabin Biswas, owner of Rabin Enterprise through M/s Shristhi Enterprise via train.

17.25 Investigation also revealed that Smt Chandrani Dey had sent contraband article to Rabin Biswas via train which was seized by the Police/Narcotics Department in April, 2022 at Agartala Railway Station.

17.26 Investigation also revealed that accused person Rabin Biswas is the owner of the seized Eskuf. He himself procured the seized Eskuf and sent the same to accused person Smt Chandrani Dey. Chandrani Dey subsequently sent the contraband articles to Agartala through Shristi Enterprise via Train.”

Learned Addl. P.P. further submitted that considering the materials on record, at this stage there is no scope to release the present accused on bail and prayed for further detention of the accused for the sake of justice.

In the case at hand, the prosecution was set into motion on the basis of an F.I.R. laid by one Rajib Saha, Inspector of Police(Anti Narcotics), Tripura Police Crime Branch, Agartala to O/C Agartala GRPS alleging *inter alia* that on 25.04.2022 they received an information that huge quantity of codeine based cough syrup was being transported from Kolkata to Agartala through Sealdah to Agartala Kanchanjanga Express in the Parcel Vans and the bottles of cough syrup were concealed in cartons of different rexin bags and jute bags. Accordingly, the matter was brought to the notice of the higher authority and after receiving permission, the informant formed a team comprising the officers and men of Anti narcotics Unit. The information was shared with O/C Agartala GRPS and the same was entered in

Agartala GRPS GD vide No.22 dated 25.04.2022 at about 1635 hrs. They conducted search in Sealdah-Agartala Kanchanjangha Express following the formalities in presence of Chief Commercial Inspector and Commercial Superintendent, Parcel and in course of search they recovered and seized huge numbers of Eskaf cough syrup as per procedure. Accordingly, he laid the F.I.R. and the case was registered. In course of investigation, so many accused persons were detained and produced before the Court including the present accused who was produced before the Court on 19.03.2024 and since then he is lodging in custody. By this time the I.O. has laid charge-sheet against accused Sri Amit Kumar Yadav, Sri Ranjan Datta Chowdhury, Ujjal Miah, Abhijit Nama, Rabin Biswas @ Tupai and Smt. Chandrani Dey @ Dahlia @ Basak and accordingly by order dated 08.11.2024 cognizance of offence punishable under Section 21(c)/29 of NDPS Act was taken against all the aforesaid accused persons.

I have also perused the charge-sheet submitted by the I.O. including the statement of witnesses recorded by the I.O. in course of investigation under Section 161 of Cr.P.C. namely Manish Kumar Jha, Shailendra Yadav, Kamalesh Yadav, Sagar Dubey, Brijesh Dubey, Goutam Das and others.

Further, on perusal of the record it appears that as submitted by Learned Counsel for the accused, all the other accused persons were granted default bail and since the period of detention in respect of the present accused was extended beyond the statutory period as per order dated 18.09.2024, so, he is still lodging in custody. Since by this time the I.O. has laid charge-sheet against the present accused along with others and from the materials so far collected by

the I.O. during investigation, the *prima facie* involvement of the accused cannot be ruled out. So, till conclusion of trial it is not possible to make any observation as to whether the accused in custody is innocent or not. Furthermore, it is also on record that he is also charge-sheeted in some other case.

So, considering the nature of allegation and the materials on record, at this stage, I find no scope to presume the accused to be innocent in view of the provision provided under Section 37 of the NDPS Act. Hence, the bail application filed stands rejected.

The accused is to remain in J.C. as before.

Return back the CD to the I.O. through Learned Addl. P.P. along with a copy of this order. Send down the record along with a copy of this order to concerned Court below. Learned Special Judge(NDPS) be asked to proceed for trial after completing all the processes keeping it in mind that the accused is lodging in jail.

With this observation, the present bail application is disposed of.

JUDGE

Snigdha

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