

**HIGH COURT OF TRIPURA
AGARTALA**

Crl.A 28 of 2025

The State of Tripura

.....Appellant(s)

Versus

Latif Miah

.....Respondent(s)

For Appellant(s) : Mr. Raju Datta, P.P.

For Respondent(s) : Mr. Saugat Datta, Advocate
Mr. Samrat Ghosh, Advocate

Date of hearing and delivery
of judgment and order : 25.11.2025.

Whether fit for reporting : Yes/No.

**HON'BLE JUSTICE DR. T. AMARNATH GOUD
HON'BLE MR. JUSTICE S. DATTA PURKAYASTHA**

JUDGMENT & ORDER (ORAL)

[Dr. T. Amarnath Goud, J.]

[1] When the case is called, Mr. Raju Datta, learned P.P. appears for the appellant. Mr. S. Datta, learned counsel appears on behalf of the respondent.

[2] The present writ appeal has been filed seeking the following reliefs:

“(a) admit this appeal,

(b) issue notice upon the Respondent,

(c) Call for the records and after hearing be pleased to set aside the Judgment dated 10.04.2024 passed by the Ld. Special Judge (NDPS), Sepahijala Tripura, Sonamura in case No. Special (NDPS) 14 of 2021 and convict the respondent against the charge under Sections 21(C)/20(b)(ii)(C)/25/29 of NDPS Act.....”

[3] Brief facts of the case, as discussed in the present appeal are that on 05.12.2020 in between 0347 hours to 0635 hours on the basis of secret information, the complainant SI Sankar Das along with others staff conducted raid and search in the house of the respondent namely Latif Miah at Manikyanagar. During search they recovered 20 kg of dry ganja containing two blue colour plastic packets, 540 bottles of Eskuf Cough Syrup and 70 bottles of Phensedyl in the house of the respondent. On completion of search and seizure the complainant SI Sankar Das lodged a suo moto complaint at KLC PS against the respondent. On the basis of said information, a specific case was registered vide KLC PS case No. 2020/KLC/046 dated

05.12.2020 under Sections 21(C)/20(b)(ii)(C)/25/29 of NDPS Act against the respondent herein. After investigation Charge sheet was submitted against the respondent and Charge was framed under Sections 21(C)/20(b)(ii)(C)/25/29 of NDPS Act against the respondent herein. After trial, the learned Special Judge acquitted the accused person on the ground that the prosecution failed to exhibit document to prove there was compliance of Section 42(2) of NDPS Act in this case, the prosecution failed to prove seizure of contraband articles and also on the ground that prosecution failed to prove chain of prosecution of contraband from the time it was seized till it was forwarded to SFSL for forensic examination. Being aggrieved, the appellant has preferred the instant appeal seeking the above-quoted reliefs.

[4] Mr. Raju Datta, learned P.P. appearing for the appellant State submits that learned Trial Court failed to consider that the information was noted down in Kolomchoura P.S GD Entry No.3 & 4 dated 05.12.2020 and on 06.12.2020, the Investigating Officer communicated the information regarding seizure of contraband goods to the Superintendent of Police, Sepahijala Tripura through the Officer In-Charge Kolomchoura PS and as such there was compliance of Section 42(2) of NDPS Act. It is further contended that although all of the said documents were part of the Charge Sheet but the said documents were not exhibited by learned Trial Court. He, therefore, urges this Court to set aside the impugned order dated 10.04.2024 passed by the Ld. Special Judge (NDPS), Sepahijala Tripura, Sonamura in case No. Special (NDPS) 14 of 2021.

[5] Heard the submissions made at the Bar. Perused the material evidence on record.

[6] Upon hearing the submissions made at the Bar and on perusal of record, this Court is of the view that admittedly, the secret information was conveyed by the concerned officer to the higher authority and as such, provisions of Section 42(2) of the NDPS Act have been complied with. It is also observed that those documents which were the part of the charge-sheet, the same were not exhibited by the learned trial Court.

[7] In view of the above, this Court is of the opinion that the matter needs to be remanded back to the Learned Trial Court to conduct a fresh trial by calling upon the witnesses afresh allowing the prosecution to prove the relevant documents in support of the prosecution case and thereafter to deliver a fresh judgment in

accordance with law. Both the parties shall also cooperate with the court proceedings.

[8] With the above observation and direction, the matter is remanded back to the concerned trial Court with a direction to conduct a fresh trial by calling upon the witnesses of the prosecution afresh and further allowing the prosecution to prove the relevant documents in support of the prosecution case allowing the accused to conduct the defence properly and thereupon to deliver a fresh judgment in accordance with law. However, it is made clear that if the parties want to rely upon the earlier evidence on record in that case the Learned Special Judge may examine the rest witnesses after hearing both the sides affording reasonable opportunities to the parties. The trial shall be conducted as expeditiously as possible. The respondent is hereby directed to appear before the Learned Trial Court on or before 05.01.2026. On his surrender, the learned Trial Court may consider bail application if any, filed by him in accordance with law, so that his right is not infringed.

[9] Resultantly, the impugned order dated 10.04.2024 passed by the learned Special Judge (NDPS), Sepahijala Tripura, Sonamura in case No. Special (NDPS) 14 of 2021 is set aside and the instant appeal filed by the appellant is hereby allowed and disposed of. As a sequel, miscellaneous application(s), pending if any, shall also stand closed.

S. Datta Purkayastha, J.

Dr. T. Amarnath Goud, J.

Sabyasachi. G.

SABYASACHI GHOSH Digitally signed by SABYASACHI GHOSH
Date: 2025.11.26 16:46:56 +05'30'