

**HIGH COURT OF TRIPURA
AGARTALA
B.A. No.65 of 2025**

Smt. Sibani Paul,
Wife of Sri Santosh Paul,
Resident of North Ganganagar,
PS- Bagbassa, North Tripura District.

**.... Petitioner on behalf of the
Accused person-in-custody**

Sri Santosh Paul,
Son of Late Harendra Paul,
Resident of North Ganganagar,
P.S.- Bagbassa, District- North Tripura.

.... Accused Person-in-custody

Versus

The State of Tripura,
Represented by the Secretary,
Ministry of Home, Govt. of Tripura,
Agartala, PIN-799010.

.....Respondent.

For Applicant(s)	: Mr. Pranabashish Majumder, Adv.
For Respondent(s)	: Mr. Raju Datta, P.P.

HON'BLE MR. JUSTICE BISWAJIT PALIT

Order

01/08/2025

This bail application under Section 483 of BNSS, 2023 is filed for granting release of accused Santosh Paul on bail in connection with Pecharthal PS Case No.013 of 2025 (2025PTL013) under Section 22(C) of NDPS Act, 1985 and Section 192(A) of M.V. Act.

Heard Learned Counsel, Mr. P. Majumder appearing on behalf of the accused person-in-custody and also heard Learned P.P., Mr. Raju Datta appearing on behalf of the State-respondent.

At the time of hearing, Learned Counsel appearing for the accused fairly submitted that on 21.06.2025, this present accused accompanied by another co-accused Bapi Das of this case came to Sanicharra, North Tripura District and at Sanicharra he got down from the vehicle and thereafter at Pecharthal Naka point his co-driver Bapi Das was detained by police along with contraband items and later on, on 24.06.2025 in the mid night at about 2.45 am the accused was arrested in connection with case violating the provision of Section 42 of NDPS Act.

Learned Counsel further submitted that the accused-in-custody is totally innocent and secondly, no contraband item was directly seized from his possession. Furthermore, the ground of arrest was not communicated to the accused. So, Learned Counsel urged for releasing the accused on bail in any condition.

On the other hand, Learned P.P. appearing on behalf of the State-respondent strongly opposed the bail application and submitted that admittedly, when the accused was arrested, no contraband item was found under his possession. But it is the admitted position that, this accused along with another co-accused Bapi Das drove the seized vehicle bearing No.AS01-LC-1412 (Night Super Bus) from Guwahati up to Sanicharra and at Sanicharra this present accused got down from the vehicle towards his residence and later on at Pecharthal Naka point the vehicle was detected and the contraband item was directly seized from the possession of another co-accused Bapi Das on 21.06.2025. In course of interrogation the said fact has been admitted by co-accused Bapi Das and it was further submitted

that the when the accused was arrested from his residence at night with the allegation of this case that time his family members were present and they were duly informed. Later on, the accused was produced under arrest before the Court and was defended by Learned defence Counsel. But nowhere this plea was taken by him earlier. From the forwarding report it is clear that the ground of arrest was communicated to him and his family members.

Moreso, Learned defence Counsel himself admitted that the accused-in-custody accompanied by accused Bapi Das came to Sanicharra from Guwahati by the same vehicle as a co-driver on 21.06.2025. So, the plea that he had no knowledge or information cannot be accepted. So, Learned P.P. appearing on behalf of the State-respondent at this stage prayed for rejection of the bail application.

At the time of hearing, Learned Counsel for the accused referred few citations and submitted that in absence of ground of arrest in the arrest memo there is no scope to detain him in custody furthermore and urged for releasing him on bail in any condition.

I have perused the CD. It is on record that on 24.06.2025 this accused was produced before the Court with the prosecution story that on 21.06.2025 on the basis of secret information the I.O of this case detained the vehicle bearing No. AS01-LC-1412 at Pecharthal Police Naka point when after search from the possession of driver Bapi Das 1790 bottles of Eskuf Cough Syrup was recovered and regarding possession of which, said accused could not produce any valid documents. The case was registered

on the basis of said FIR of the informant of this case and in course of interrogation the name of the present accused was revealed that said Bapi Das and this present accused carried the contraband items from Guwahati through the said bus and at Pecharthal the vehicle was detained and the contraband item was seized. But the present accused got down from the vehicle at Sanicharra and proceeded towards his residence and later on he was arrested on 21.06.2025.

From the facts and circumstances of this case, it appears to this Court that the accused has failed to satisfy the Court by showing any cogent grounds that the ground of arrest was not communicated to him or to his family members and as such at this stage I find no scope to release him on bail. Furthermore, Learned Counsel also failed to satisfy the Court that Section 37 of NDPS Act would not attract against him. Even no other satisfactory grounds were raised to consider innocence of the accused in this case at this stage.

Accordingly, this bail application stands rejected. The accused is to remain in J/C as before.

Return back the CD to I.O. through Learned P.P. along with a copy of this order.

Send down the record of the Learned Trial Court along with a copy of this order.

JUDGE

Amrita

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