

HIGH COURT OF TRIPURA
AGARTALA

B.A. No.107 of 2025

Sri Dilip Kumar Sahani,

S/O Ganesh Sahani, resident of Gobhatta, P.S. Budhuchak, Dist. Bhagalpur, Bihar.

..... **Applicant(s)**

On behalf of

Smti. Rupa Devi,

W/O Sri Dilip Kumar, resident of Gobhatta, P.S. Budhuchak, Dist. Bhagalpur, Bihar.

..... **Accused person(s)**

- V e r s u s -

The State of Tripura,

Represented by the Principal Secretary to the Government of Tripura.

..... **Respondent(s)**

B.A. No.108 of 2025

Sri Pappu Kumar Yedav @ Banu Mandal,

S/O Kokay Mandal, resident of Damelighat, P.S. Mirganj, Dist. Purnia, Bihar.

..... **Applicant(s)**

On behalf of

Smti. Ruchi Kumari,

W/O Sri Pappu Kumar Yedav, resident of Damelighat, P.S. Mirganj, Dist. Purnia, Bihar.

..... **Accused person(s)**

- V e r s u s -

The State of Tripura,

Represented by the Principal Secretary to the Government of Tripura.

..... **Respondent(s)**

B.A. No.109 of 2025

Smt. Chanda Devi,

W/O Ranjit Kumar Sahni, resident of Gobhatta, P.S. Budhuchak, Dist. Bhagalpur, Bihar.

..... **Applicant(s)**

On behalf of

Sri Ranjit Kumar Shahani,

S/O Sri Ganesh Shahani, resident of Gobhatta, P.S. Budhuchak, Dist. Bhagalpur, Bihar.

..... **Accused person(s)**

- V e r s u s -

The State of Tripura,

Represented by the Principal Secretary to the Government of Tripura.

..... **Respondent(s)**

B.A. No.110 of 2025

Sri Pappu Mandal,

S/O Bucho Mandal, resident of Naugachia, Bhagalpur, P.S. Naugachia,
Dist. Bhagalpur, Bihar.

..... **Applicant(s)**

On behalf of

Smti. Laxmi Devi,

W/O Sri Pappu Mandal, resident of Naugachia, Bhagalpur, P.S.
Naugachia, Dist. Bhagalpur, Bihar.

..... **Accused person(s)**

- V e r s u s -

The State of Tripura,

Represented by the Principal Secretary to the Government of Tripura.

..... **Respondent(s)**

B.A. No.111 of 2025

Sri Salendar Maldar,

S/O Godo Sahni, resident of Bhagalpur, P.S. Bhagalpur, Dist. Bhagalpur,
Bihar.

..... **Applicant(s)**

On behalf of

Smti. Pinki Devi,

W/O Sri Salendar Maldar, resident of Bhagalpur, P.S. Bhagalpur, Dist.
Bhagalpur, Bihar.

..... **Accused person(s)**

- V e r s u s -

The State of Tripura,

Represented by the Principal Secretary to the Government of Tripura.

..... **Respondent(s)**

For the Applicant(s) : Mr. Debajit Biswas, Advocate.

For the Respondent(s) : Mr. Raju Datta, P.P.

Date of hearing and : **11th December, 2025.**

delivery of

Judgment & order

Whether fit for reporting :

YES	NO
✓	

HON'BLE MR. JUSTICE S. DATTA PURKAYASTHA

JUDGMENT & ORDER (ORAL)

All the bail applications are heard together and are being
disposed of by this common judgment as all the bail applications
have arisen out of the same police case.

[2] On 13.07.2025, WSI Sumitra Debbarma while performing vehicle checking duty at Trishabari area noticed that five passengers with their luggages got down from one passenger vehicle to go to Teliamura Railway Station. Seeing the police all of them stopped their movement. Out of suspicion, the informant with other police personnel cordoned them, informed SDPO, Teliamura and asked for presence of one Executive Magistrate to cause search. Accordingly, SDPO, Teliamura and one Executive Magistrate arrived there and on search total 32Kg of ganja was recovered from the possession of said five accused persons namely, Ranjit Kumar Shahani, Ruchi Kumari, Pinki Devi, Laxmi Devi and Rupa Devi, on behalf of all of whom the present bail applications are filed.

[3] The individual possession of ganja by said five accused persons, as alleged in the FIR, are as follows:

Sl. No.	Name of the accused person	Quantity of alleged ganja recovered
1.	Ranjit Kumar Shahani	6kg 750 gm from one luggage and further 6kg from another white colour bag, total 12.750 gm
2.	Ruchi Kumari	5kg 250 gm
3.	Pinki Devi	5kg 250 gm
4.	Laxmi Devi	5kg 250 gm
5.	Rupa Devi	3kg 500 gm

All the packets so found from said accused persons were wrapped with brown colour adhesive tape.

[4] Police arrested them and after that FIR was registered by said WSI Sumitra Debbarma. SI Rajendra Reang completed the investigation and submitted the charge sheet against all of them

under Section 20(b)(ii)(C)/29 of the Narcotic Drugs and Psychotropic Substance Act, 1985 (for short NDPS Act).

[5] Mr. Debajit Biswas, learned counsel for the applicants submits that the investigating officer as well as the learned Special Judge have committed error in taking the seized articles into consideration collectively, treating the same to be of commercial quantity, though all the accused persons were allegedly found to have possessed intermediate quantity of such ganja individually. According to Mr. Biswas, learned counsel, in absence of any meeting of mind and materials of criminal conspiracy, collective weight of the total seized ganja cannot be taken into consideration and as everyone was allegedly found to have possessed intermediate quantity of the same, the rigors of Section 37 of NDPS Act will not be applicable. Therefore, learned counsel submits, all the accused petitioners are entitled to get bail. Mr. Biswas, learned counsel also relies on some decisions which will be discussed in the relevant paragraphs.

[6] Mr. Raju Datta, learned P.P., on the other hand, submits that all the accused persons arrived at Teliamura Railway Station together by the same vehicle for boarding in the same train to go to Bihar and during interrogation also they admitted that they came from Bihar together to collect such ganja. Therefore, there were prima facie materials to presume existence of criminal conspiracy amongst them.

[7] The core questions fall for consideration in these bail applications are- whether, in view of the materials collected by the investigating officer, the alleged ganja as were recovered and seized from each of the accused person are required to be counted collectively or individually and whether the accused petitioners are entitled to get bail. Before advertng to the facts of the case, it is necessary to examine the position of law in this regard.

[8] Section 35 of the NDPS Act deals with presumption of culpable mental state of an accused person involved in any prosecution for commission of any offence under the Act. Said provision envisages that in any prosecution for offence under the Act which requires a culpable mental state of the accused, Court shall presume the existence of such mental state but it shall be a defence for the accused to prove the fact that he had no such mental state with respect to the act charged as an offence in that prosecution. In explanation provided in that Section it is further enumerated that "culpable mental state" includes intention motive, knowledge of a fact and belief in, or reason to believe, a fact. Sub-section (2) of Section 35 further provides that for the purpose of Section 35, a fact is said to be proved only when the Court believes it to exist beyond a reasonable doubt and not merely when its existence is established by a preponderance of probability. Hon'ble Supreme Court in ***Bhola Singh vs. State of Punjab; (2011) 11 SCC 653*** has held that as this section imposed a heavy reverse burden on an accused, the condition for the applicability of this and other related sections would have to be spelt out on facts and it

was only after the prosecution had discharged the initial burden to prove the foundational facts that Section 35 would come into play.

[9] Section 29 of the Act provides for punishment for abetment and criminal conspiracy. As per sub-section (1) of Section 29 whoever abets, or is a party to a criminal conspiracy to commit an offence punishable under this Chapter, shall, whether such offence be or be not committed in consequence of such abetment or in pursuance of such criminal conspiracy, and notwithstanding anything contained in section 116 of the Indian Penal Code, be punishable with the punishment provided for the offence.

[10] Section 45 of the Bharatiya Nyaya Sanhita, 2023 (for short BNS) defines abetment. According to said provision a person abets the doing of a thing, who—

- (a) instigates any person to do that thing; or
- (b) engages with one or more other person or persons in any conspiracy for the doing of that thing, if an act or illegal omission takes place in pursuance of that conspiracy, and in order to the doing of that thing; or
- (c) intentionally aids, by any act or illegal omission, the doing of that thing.

[11] Section 61 of BNS similarly defines criminal conspiracy in the following manner:

"61. (1) When two or more persons agree with the common object to do, or cause to be done—

- (a) an illegal act; or**

(b) an act which is not illegal by illegal means, such an agreement is designated a criminal conspiracy:

Provided that no agreement except an agreement to commit an offence shall amount to a criminal conspiracy unless some act besides the agreement is done by one or more parties to such agreement in pursuance thereof.

Explanation.—It is immaterial whether the illegal act is the ultimate object of such agreement, or is merely incidental to that object.

(2) Whoever is a party to a criminal conspiracy,—

(a) to commit an offence punishable with death, imprisonment for life or rigorous imprisonment for a term of two years or upwards, shall, where no express provision is made in this Sanhita for the punishment of such a conspiracy, be punished in the same manner as if he had abetted such offence;

(b) other than a criminal conspiracy to commit an offence punishable as aforesaid shall be punished with imprisonment of either description for a term not exceeding six months, or with fine or with both."

[Corresponding to old provision of erstwhile Section 120A of IPC]

[12] While interpreting said provision Hon'ble Supreme Court in ***Shivnarayan Laxminarayan Joshi vs. State of Maharashtra; (1980) 2 SCC 465*** held that a conspiracy is always hatched in secrecy and it is impossible to adduce direct evidence of the same. The offence can be only proved largely from the inferences drawn from acts or illegal omission committed by the conspirators in pursuance of a common design. In the same line, in the case of ***Kehar Singh vs. State (Delhi Admn.); (1988) 3 SCC 609***, the Hon'ble Apex Court further held as follows:

"275. Generally, a conspiracy is hatched in secrecy and it may be difficult to adduce direct evidence of the same. The prosecution will often rely on evidence of acts of various parties to infer that they were done in reference to their common intention. The prosecution will also more often rely upon circumstantial evidence. The conspiracy can be undoubtedly proved by such evidence direct or circumstantial. But the court must enquire whether the two persons are independently pursuing the same end or they have come together in the pursuit of the unlawful object. The former does not render them conspirators, but the

latter does. It is, however, essential that the offence of conspiracy requires some kind of physical manifestation of agreement. The express agreement, however, need not be proved. Nor actual meeting of two persons is necessary. Nor it is necessary to prove the actual words of communication. The evidence as to transmission of thoughts sharing the unlawful design may be sufficient.....”

[13] In ***Mohd. Usman Mohd. Hussain Maniyar vs. State of Maharashtra; (1981) 2 SCC 443*** it is also again reiterated that for an offence under Section 120-B, the prosecution need not necessarily prove that the perpetrators expressly agreed to do or cause to be done the illegal act and the agreement may be proved by necessary implication.

[14] Later on in ***K.R. Purushothaman vs. State of Kerala; (2005) 12 SCC 631*** also the Hon'ble Supreme Court observes that to constitute a criminal conspiracy, meeting of minds of two or more persons for doing an illegal act or an act by illegal means is the first and primary condition and it is not necessary that all the conspirators must know each and every detail of conspiracy. Neither is it necessary that every one of the conspirators takes active part in the commission of each and every conspiratorial acts. It is further held that the agreement amongst the conspirators can be inferred by necessary implication and in most of the cases, the conspiracies are proved by the circumstantial evidence, as the conspiracy is seldom an open affair. As a matter of caution, it is also further observed that it is incumbent on the Court to keep in mind the well-known rule governing circumstantial evidence viz. each and every incriminating circumstance must be clearly established by reliable evidence and the circumstances proved

must form a chain of events from which the only irresistible conclusion about the guilt of the accused can be safely drawn, and no other hypothesis against the guilt is possible. (emphasis laid)

[15] In ***State (NCT of Delhi) v. Navjot Sandhu; (2005)***

11 SCC 600 also it was observed that in reaching the stage of meeting of minds, two or more persons share information about doing an illegal act or a legal act by illegal means. This is the first stage where each is said to have knowledge of a plan for committing an illegal act or a legal act by illegal means. Among those sharing the information some or all may form an intention to do an illegal act or a legal act by illegal means. Those who do form the requisite intention would be parties to the agreement and would be conspirators but those who drop out cannot be roped in as collaborators on the basis of mere knowledge unless they commit acts or omissions from which a guilty common intention can be inferred. It was further observed that mostly, the conspiracies are proved by circumstantial evidence and usually both the existence of the conspiracy and its objects have to be inferred from the circumstances and the conduct of the accused. Similar caution was also reiterated that every incriminating circumstance must clearly be established by reliable evidence and the circumstances so proved must form a chain of events from which the only irresistible conclusion about the guilt of accused can be safely drawn and no other hypothesis against the guilt is possible.

[16] Similar view was also again expressed in ***Sudhir Shantilal Mehta vs. CBI; (2009) 8 SCC 1*** that the existence of the conspiracy and its objective can be inferred from the surrounding circumstances and the conduct of the accused. But the incriminating circumstances must form a chain of events from which a conclusion about the guilt of the accused could be drawn.

[17] From the above said decisions of the Hon'ble Supreme Court, it is quite clear that direct evidence of conspiracy is hard to be made available as it always hatched in secrecy and therefore, same is required to be inferred from the acts or illegal omission of the accused conspirator. Above the same, the existence of conspiracy, if any, is required to be examined in the given facts and circumstances of each case and the Court is to examine whether existence of meeting of minds of two or more persons for doing such an illegal act or lawful act by illegal means are available in the materials collected during investigation and evidences adduced thereafter. Therefore, what has been decided by the Court in the light of available evidences in a particular case may not straightaway be applied in another case where the involved facts and circumstances are different.

[18] Mr. Debajit Biswas, learned counsel relies on a decision of Hon'ble Supreme Court in the case of ***Nadeem Ahamed vs. State of West Bengal in a criminal appeal arising out of SLP (Crl.) No(s).9446-9447 of 2025 decided on 05.08.2025*** wherein one police officer based on a secret information that two

male persons would be coming to supply heroin in the evening of the same day at Pragati Maidan, proceeded to the scheduled location to keep an watch and ultimately detained two persons on pointing towards them by his source. From the co-accused, police officer recovered 130 gms of suspected heroin whereas from Nadeem Ahamed, 125 gms of such suspected heroin was recovered. In that backdrop, it was observed by the Hon'ble Supreme Court that merely because the two accused, walking side by-side, were apprehended simultaneously, and both were carrying narcotic drug concealed on their body, said coincidental happening (emphasis laid), by itself, would not give rise to an inference that either of them had the knowledge about the contraband being carried by the other.

[19] Mr. Biswas, learned counsel also relies on another decision of Bombay High Court in the case of **Aryan Shah Rukh Khan vs. the Union of India and another; Criminal Bail Application No.3624 of 2021 decided on 28.10.2021** wherein the appellants were apprehended while they were about to board or had already boarded (emphasis laid) in a cruise from Mumbai to go to Goa. From two accused persons namely, Arbaaz and Munmun 6 grams and 5 grams of charas respectively were recovered. Accused Aryan and accused Arbaaz were students whereas accused Munmun was working in the field of modelling. High Court observed that accused Aryan was not found in possession of any objectionable substance. The High Court also further observed that applicant Nos.1 and 2 were travelling together whereas applicant

No.3 had an independent travel plan which had no connection with the travel of Applicant Nos. 1 & 2 and even after going through the Whats-App chats extracted from the phone of applicant No.1, nothing objectionable could be noticed to suggest that all the three applicants alongwith other accused persons were in agreement to have meeting of minds and therefore, there was absence of material on record of such meeting of minds with other accused who were named in the offence in question.

[20] Mr. Biswas, learned counsel further refers to an order of Jammu and Kashmir High Court dated 07.04.2025 in the case of ***Abdul Hamid vs. Union Territory of J&K and another; Bail App No.261 of 2024*** wherein one car was detained by police during Naka checking wherein three persons including driver was found. On physical frisking, 104.89 gms of suspected heroin was found from the person who was sitting on the rear seat and from the driver, 106.86 gms of heroin was recovered. Finally, the High Court while examining the facts of the case observed that the contraband found from the possession of the applicant was less than commercial quantity and granted him bail.

[21] Mr. Biswas, learned counsel further relies on two decisions of a Coordinate Bench of this Court which are ***Sri Binod Sahni and others vs. the State of Tripura; B.A. No.83 of 2025 decided on 26.09.2025*** and ***Sri Umeshwar Prasad Singh vs. the State of Tripura; B.A. No.104 of 2025 decided on 10.11.2025***. In ***Sri Binod Sahni's case***, four female accused

were apprehended at Agartala Railway Station and intermediate quantity of ganja was recovered from the possession of each of them. In that case, investigation was not completed and charge sheet was not submitted when that bail application was being heard. While examining the materials so collected by the investigating officer till that date, the Court observed that there was no material for application of Section 29 in said case and that in the seizure list, individual possession of ganja by each of the accused was shown and not the collective possession. If the investigating officer could show in the seizure list that collectively 23kg 625g of dry ganja was found from the possession of the accused persons, in that case, it could have been believed that Section 20(b)(ii)(C) would be attracted. May be for that reason learned Bench proceeded further to observe that even if it was assumed that 23kg 625g of dry ganja was recovered collectively from the accused and if the case was ended in charge-sheet, in that case at the time of framing of charge the concerned Court was to indicate the amount of contraband items recovered from the possession of each one of the accused persons and not total quantum of contraband items recovered.

[22] In ***Sri Umeshwar Prasad Singh***, 8.185 kg of ganja was recovered from the applicant accused and further 14.360 kg was recovered from another accused when they were detained at Agartala Railway Station before departure of Tejas Rajdhani Express on the particular date of incident. In the factual position of that case, the Court observed that there was no scope on the part

of prosecution to sustain that the present accused had possessed contraband item of commercial quantity and therefore, the Court did not accept applicability of joint possession or collective possession of commercial quantity of ganja by the two accused persons in the said case.

[23] Section 29(1) of the NDPS Act clearly envisages that whoever abets, or is a party to a criminal conspiracy to commit an offence punishable under the Chapter, shall, notwithstanding anything contained in section 116 of the Indian Penal Code, be punishable with the punishment provided for the offence and therefore, such conspirator is required to be charged for the principle offence. If there are three persons involved in a conspiracy for transportation of commercial quantity of contraband items and thereafter commercial quantity of such contraband item is recovered from one person and intermediate quantity of item is recovered from another and nothing is recovered from the third one, still, all will be charged for commission of illegal transportation of total quantity of such contraband item i.e. for transportation of commercial quantity, otherwise Court will not be able to frame any charge against the third accused from whom no such contraband was recovered.

[24] In ***Nadeem Ahamed (Supra)***, as discussed above, two persons were detained and 130 gms of heroin was recovered from one and 125 gms was recovered from another i.e. with recovery of total 255 gms collectively. The Trial Court convicted the accused

persons. The High Court declined to condone the delay in filing the appeal thereagainst. The Hon'ble Supreme Court in that backdrop observed that if at all prosecution intended to bring home the charge of conspiracy, and club the contraband recovered from both the accused persons together (emphasis laid), then positive proof to support the charge of conspiracy had to be presented. Such observation of Hon'ble Supreme Court otherwise means that where there are positive proof of conspiracy, the whole quantity of the contrabands recovered from all the accused persons shall be clubbed together. The relevant paragraph No.23 of the said case wherein such discussions were made are reproduced hereunder:

"23. If at all the prosecution intended to bring home the charge of conspiracy, and club the contraband recovered from both the accused persons together, then positive proof to support the charge of conspiracy had to be presented. Such proof could not be substituted with mere inferences or conjectures. Positive and tangible evidence was necessary to establish, beyond reasonable doubt, that both accused persons had prior knowledge of the contraband in the other's possession. However, upon carefully analysing the evidence available on record, we find that, apart from the bald allegation that both the accused were seen walking together and were searched one after the other, not even a semblance of evidence was led by the prosecution, which can substantiate the charge of prior conspiracy between the two accused persons."

In ***K.R. Purushothaman (Supra)*** also it is held that it is not necessary that everyone of the conspirators takes active part in the commission of each and every conspirational act. Therefore, in view of the above, it is immaterial whether all the conspirators are in possession of such narcotic item or who is possessing how much of it's quantity. Hence, such observation in ***Sri Binod Sahni (Supra)*** only to the extent that while framing the charge, the

concerned Court is to indicate the amount of contraband recovered from the possession of each of the accused persons and not the total quantum of contraband items recovered, is not in the line of observations made by the Hon'ble Supreme Court in **Nadeem Ahamed (Supra)** and **K.R. Purushothaman (Supra)** and therefore, same will be treated as observations made in the contexts of that case and not as a binding precedent or as a general rule.

[25] In another decision of Hon'ble Supreme Court in the case of **Amarsingh Ramjibhai Barot vs. State of Gujarat; (2005) 7 SCC 550**, the relevant facts involved therein were that based on the information received from secret source that two persons namely, Amarsingh and Danabhai, having particular physical descriptions, were likely to come from village Dhima to Deesa town through Tharad Cross Roads carrying opium. The police arrived at the relevant place and maintained a watch. After some time a jeep from village Dhima arrived there and two persons alighted from the said jeep and were found to have physical descriptions matching with those given by the source. When they were entering into a hotel, they were intercepted and ultimately, 920 grams of liquid opium (*posedoda*) was recovered from Amarsingh and 4.250 kg of opium was recovered from Danabhai. Apart from the offences under Sections 15, 17 and 18, they were also charged with Section 29 of the NDPS Act. They were convicted for jointly possessing those items. Both of them filed appeal before the High Court but during pendency of the appeal, Danabhai

expired and his appeal abated. The High Court while dealing with the appeal filed by Amarsingh observed that conviction of Amarsingh under Sections 17 and 18 read with Section 29 of the NDPS Act was not correct, but he was liable to be convicted under Section 21(c) read with Section 29 of the Act, for individually being in possession of 920 grams of opium and for being, in conspiracy with the deceased, jointly in possession of 4.250 kgs of the prohibited substance of opium which collectively was categorized as commercial quantity and accordingly, the appellant was punished for 10 years rigorous imprisonment with fine of Rs. 1 lakh. The High Court also observed that even if, only the quantity of 920 grams recovered from the appellant alone were to be considered then also it would warrant conviction under Section 21(c) wherein the minimum sentence is of 10 years' rigorous imprisonment plus fine of Rs. 1 lakh.

[26] In appeal, Hon'ble Supreme Court finally observed that 920 gm of liquid substance falls within the category of "manufactured drug" in view of provision of Section 2 (xi) of the Act and therefore, the offence proved against the appellant was Section 21(c) of the NDPS Act for illicit possession of manufactured drug and thereby maintained the conviction and sentence on that score. So far the conviction rendered by the High Court with the aid of Section 29 of the NDPS is concerned, the Hon'ble Supreme Court observed that there was no evidence to suggest that there was any such abetment or criminal conspiracy within the meaning of Section 29 of the NDPS Act in said case. It was also further observed that

the appellant and Danabhai were found together, but individually carrying the recovered substances and therefore, it was not possible for the High Court to take the view that Section 29 was attracted. The fact of said case of **Amarsingh Ramjibhai Barot (Supra)** is to some extent similar to the case in the hand that in both cases, the accused persons got down from the same vehicle before they were intercepted.

[27] On consideration of the materials collected by the investigating officer in the case diary till filing of charge sheet, it transpires that all the above said five accused persons came near Teliamura Railway Station by a common passenger vehicle and alighted from it with their respective bags wherefrom such contraband items were recovered. Further materials available are that seeing the police personnel, they stopped from further movement and were looking to their own bags. After they were detained and searched, the seized items were recovered. But certain deficiencies are also noticed in the investigation. The investigation officer failed to collect materials as to whether all of them boarded in the said vehicle from a single a point or from different places. The investigating officer failed to examine the driver of the said vehicle. There is also no material to justify the claim of the investigating officer that on the same day they boarded into the train on 09.07.2025 from Bihar and that they stayed together somewhere at Sidhai, Mohanpur area. No prima facie materials is also collected by the investigating officer about their destination(s) on return. Therefore, considering all these

aspects and also in view of the observations made by the Hon'ble Supreme Court in ***Amarsingh Ramjibhai Barot (Supra)***, prima facie, it is observed that ingredients of Section 29 of the NDPS Act is missing in this case. The evidences so collected by the investigating officer is deficient regarding the meeting of minds of the accused persons for doing such illegal act. If individual quantity as recovered from each of the accused is taken into consideration, said quantity comes within the category of intermediate quantity.

[28] The investigating officer in his charge-sheet has prayed for custodial trial of all the accused persons on the ground that there is no relative of said accused persons in the State of Tripura and therefore, if released on bail, they will abscond and they may commit similar offences further. So far the former part of apprehension is concerned, same may be taken care of while granting bail, but so far the latter part of apprehension is concerned, there is no material placed by the investigating officer to draw any such presumption.

[29] Considering all these aspects, all the bail applications are allowed. The accused petitioners namely, Rupa Devi, Ruchi Kumari, Ranjit Kumar Shahani, Laxmi Devi and Pinki Devi shall be released on bail on furnishing bond by each of them for Rs.1,00,000/- (*Rupees one lakh*) with one surety each to the satisfaction of the learned Special Judge, Khowai with the following conditions that:

(i) the accused persons will not leave the jurisdiction of learned Special Judge without prior permission of said Court.

(ii) after being released on bail, within 15 days therefrom, they will inform learned Special Judge about their place of residence in Tripura.

(iii) they will not try to influence in any manner any witness of the case and will regularly appear before the Court to face trial.

In case of violation of any of the above said conditions, learned Special Judge will be at liberty to cancel the bail following the due procedure of law.

With the above said observations and directions, all the bail applications are disposed of.

Send a copy of this order immediately to learned Special Judge, Khowai.

Re-consign the case diary to learned P.P. with copy of this order.

Interim order, if any, stands vacated.

It is, however, clarified that whatever observations are made hereinabove, are made only for limited purpose for deciding the merit of the bail applications and such observations will have no bearing in the trial of the case.

Pending application(s), if any, also stands disposed of.

JUDGE