

**HIGH COURT OF TRIPURA
AGARTALA**

BA 82 of 2024

Smt. Sangita Debbarma

W/o Shri Pranesh Debbarma,
resident of 14, Ujan Fatikchhera para,
Tulabagan, P.S- Lefunga, District- West Tripura.

..... Applicant(s)

1. Shri Pranesh Debbarma

S/o Shri Nibaran Debbarma

2. Shri Pankaj Debbarma

S/o Shri Nibaran Debbarma,

Both are residents of 23,
Simna Janiacharra, P.S-Sidhai,
District- West Tripura.

..... Custody Accused Persons

Versus

The State of Tripura

(Represented by the Secretary, Home Department),
Government of Tripura, Agartala.

.....-Respondent(s)

For the Applicant(s) : Mr. Janardhan Bhattacharjee, Advocate
Mr. Sajib Ghosh, Advocate

For the Respondent(s) : Mr. Rajib Saha, Addl. PP

HON'BLE MR. JUSTICE ARINDAM LODH

Order

07/02/2025

This is an application for granting bail to the accused persons who were arrested in connection with Fatikroy PS case No.2023/FTK/015 for allegedly committing offence punishable under Sections 20(b)(ii)(c)/25/29 of NDPS Act, 1985.

2. Heard Mr. Janardhan Bhattacharjee, learned counsel appearing for the accused persons. Also heard Mr. Rajib Saha, learned Addl. P.P appearing for the State-respondent.

3. While releasing the accused persons on interim bail vide order dated 10.12.2024, this Court have made the following observations after perusal of the records:-

“I have given my thoughtful considerations to the above evidence surfaced in the charge-sheet. Prima facie, I do not find any direct evidence or direct link of the accused persons with the alleged commission of offence. Pohar Debbarma has never stated in his statement that at the instruction of the present accused persons he was using the offending vehicle for carrying ganja (cannabis) and the cannabis were loaded in the vehicle at the instance of the present accused persons though the investigating officer had ample opportunity to have the statement from the accused persons. I find that Pohar Debbarma was in police custody also and he was interrogated thoroughly. Curious enough, the investigating officer has not recorded any statement of Pohar Debbarma under Section 67 of the NDPS Act though Kuphula Jamatia was produced before the Judicial Magistrate 1st Class for recording statement under Section 164(5) of CrPC but, Pohar Debbarma was not produced to record his statement under Section 164(5) of CrPC.

It is found that Kuphula Jamatia was/is the owner of a vehicle whose number plate was found in the vehicle of Pohar Debbarma but, at this stage, I am at a loss to understand as to how it implicates or as to how it justifies the complicity of the present accused persons with the commission of offence as alleged in the present case. The vehicular documents i.e. the registration certification of the vehicle of Kuphula was also sent to the house of Chaitra Mohan Debbarma but, not at the house of the present accused persons. Question reasonably arises that if this vehicle in the name of Kuphula Jamatia was produced at the instance of the present accused persons, then, why the vehicular documents would be sent to the house of Chaitra Mohan Debbarma but not at the house of Pranesh Debbarma and Pankaj Debbarma. It is an admitted fact that Pranesh Debbarma and Pankaj Debbarma are full blooded brothers.

These are the circumstances which lead this Court to reasonably believe that the present accused persons might not be involved in the offence as alleged in the instant case. According to Mr. Bhattacharjee, learned counsel appearing for the accused persons they are the permanent residents of Tripura under Sidhai P.S. and there is no chance of absconsion and they will remain present on each and every date fixed by the learned trial Court.

Since I do not find any direct link or direct evidence of the accused persons with the commission of offence as alleged in the present case, I am inclined to release the accused persons on interim bail till 13.01.2025 keeping in mind the rigors of Section 37 of the NDPS Act vis-a-vis the right to life as ingrained under Article 21 of the Constitution of India.”

4. Having observed thus, this Court enlarged the accused persons on interim bail on certain conditions. One of the conditions was that the accused persons had to undertake vigorous campaign in their respective localities/areas against the use and abuse of drugs. Under order dated 13.01.2025, it reveals that as per the direction of this court, the accused persons had successfully organized various campaigns against the use and abuse of drugs. The said condition was extended further vide order dated 13.01.2025.

5. Today, when the matter has come up before this court, Mr. Rajib Saha, learned Addl. PP for the respondent-State has placed the police reports which support the claim of the accused persons that they had organized various campaigns against the use and abuse of illicit drugs in their respective areas. Since at the very initial stage I found that there was no direct link or direct evidence against the accused persons and there was reasonable belief that the accused persons might not be involved in the instant case, and for the reason that the accused persons have been attending the proceedings of the learned trial court regularly, I find no justified ground to cancel the benefit of granting interim bail in favour of them. And at this stage, considering their conduct after they being released on interim bail, I am inclined to confirm the interim bail granted to them under order dated 10.12.2024 which was further extended vide order dated 13.01.2025.

6. Accordingly, it is ordered that both the accused persons, namely, Sri Pranesh Debbarma and Sri Pankaj Debbarma shall be released on bail on their furnishing a fresh bond of **Rs. 50,000/-** (Rupees fifty thousand) each only with one surety each of like amount to the satisfaction of learned Special Judge, Unakoti District, Kailashahar. The sureties must be the Govt. employees.

With the aforesaid order the instant bail application stands allowed.

Police reports may be kept in record.

JUDGE

Rohit