

**HIGH COURT OF TRIPURA
AGARTALA**

B.A. No.121 of 2025

Najmin Akter,

W/O Saha Alam, aged about 38 years, resident of Ward No.4, Anandapur, Kamalnagar R.D. Block, Boxanagar, Anadanagar Gram Panchayat, P.O. Kamalnagar, Dist. West Tripura, Pin 799181.

..... Applicant(s)

Riyas Hossain,

S/o Saha Alam, aged about 18 years, resident of Ward No.4, Anandapur, Kamalnagar R.D. Block, Boxanagar, Anadanagar Gram Panchayat, P.O. Kamalnagar, Dist. West Tripura, Pin 799181.

..... Accused Person(s)

The accused person being lodged in judicial custody; the present petition is preferred and presented by the mother of the accused person.

V E R S U S

The State of Tripura

..... Respondent(s)

For Applicant(s) : Mr. S. Lodh, Advocate.

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

HON'BLE MR. JUSTICE S. DATTA PURKAYASTHA

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16/12/2025

This bail application has been filed under Section 483(1) of the BNSS, 2023 on behalf of the accused person namely, Riyas Hossain who was arrested on 16.09.2025 in connection with GRPS case No.92 of 2025 under Section 20(b)(ii)(C)/29 of the NDPS Act, 1985.

[2] The allegations contained in the FIR are that three persons were found loitering in suspicious condition at Agartala Railway station having backpacks on their shoulders. The police then intercepted them and on search recovered 7.605 Kg of suspected ganja wrapped with brown colour tape from the possession of co-accused Nazir Miah, 6.490 Kg suspected ganja wrapped with black colour tape from

Mobarak Miah and 8.295 Kg of such suspected ganja similarly wrapped in brown colour tape from present accused Riyas Hossain. They were thereafter arrested by the police.

[3] Mr. S. Lodh, learned counsel for the applicant submits that separately intermediate quantity of alleged suspected ganja were recovered from each of the accused persons and therefore, the total quantity recovered from three persons separately cannot be taken into account to treat the same as commercial quantity. Learned counsel also submits that said alleged ganja was weighed without excluding the weight of such brown colour tape and therefore, if weight of the packing is excluded, the total weight of ganja may not even to be of that quantity what has been shown by the police. Learned counsel, therefore, prays for bail of the accused on any condition.

[4] Mr. Rajib Saha, learned Addl. P.P. opposes the prayer stating that all the accused persons were found walking in the platform of the railway station and therefore, they had their previous meeting of mind to transport such ganja outside the State through railway and thus, the total of weight of ganja was rightly taken into consideration by the investigation officer and also by learned Court below. Learned Addl. P.P. has also placed the case diary.

[5] On consultation of the case diary, it appears that except the interrogation report of the accused persons in that case as recorded by investigation officer, prima facie, there is no other material that they had any previous meeting of mind to attract Section 29 of the NDPS Act for taking into consideration the whole quantity of ganja seized from all of them. Mr. Lodh, learned counsel also relies on

a recent decision of Hon'ble Supreme Court in case of **P Krishna Mohan Reddy vs. the State of Andhra Pradesh; 2025 LiveLaw (SC) 598** wherein at paragraph No. 53 it was held by the Hon'ble Supreme Court that a police statement of an accused which is in the form of a confession is *per se* inadmissible and no reliance whatsoever can be placed on such statements either at the stage of bail (emphasis laid) or during trial.

[6] In view of above decision of Hon'ble Supreme Court, said statement of the accused persons recorded by the investigating officer during their custody cannot even be taken into consideration at the time of consideration of the bail petition. Prima facie, in absence of any other materials to attract Section 29 of the NDPS Act, the total quantity of the ganja so seized from all the three accused persons cannot be taken into consideration collectively at this stage. Admittedly, each one of the accused persons were found carrying intermediate quantity of the ganja. Moreso, in the seizure list, the investigating officer also separately mentioned the quantity of such contraband items seized from each of the accused persons and not the total quantity. The accused person is in custody for about 90 days. Considering all these aspects, the bail application is allowed.

[7] The accused, Riyas Hossain shall be released on bail on furnishing a bond of Rs.1,50,000/- (Rupees one lakh fifty thousand) with one surety of like amount to the satisfaction of the learned Special Judge, West Tripura, Agartala on the conditions that:

(i) twice in a week he will give his attendance before the learned Special Judge and in his absence, before the learned Chief

Judicial Magistrate, till such condition is relaxed by learned Special Judge.

(ii) he will not try to terrorize or influence any witness of the case.

(iii) he will regularly attend the Court to face trial.

Bail application is accordingly disposed of.

Return the case diary to learned Addl. P.P with copy of this order.

Communicate this order immediately to learned Special Judge, West Tripura, Agartala and also to learned Chief Judicial Magistrate, West Tripura, Agartala.

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

JUDGE