

**HIGH COURT OF TRIPURA
AGARTALA**

A.B. No.91 of 2025

Payel Alam

son of Khurshid Miah, resident of near
Ghaniamara School, Bishalgarh, P.S.
Bishalgarh, District- Sepahijala, Tripura

..... Petitioner(s)

V e r s u s

The State of Tripura

represented by the Principal Secretary to
the Government of Tripura

..... Respondent(s)

For Petitioner (s)	:	Mr. D. Biswas, Adv.
For Respondent(s)	:	Mr. R. Saha, Addl. PP

HON'BLE MR. JUSTICE S. DATTA PURKAYASTHA

Order

15.12.2025

Heard both sides.

This petition for pre-arrest bail has been filed on behalf of the accused, Payel Alam in connection with Amtali PS case No.107/2025 registered under Sections 329(4), 121(1), 132, 304(2) and 3(5) of the BNS.

The FIR was lodged by the Superintendent of Customs, Preventive Force, Bishalgar on 08.10.2025 [received by the police authority on 09.10.2025) that on 08.10.2025, at about 7 am., based on information of secret sources, the officers of Customs, Preventive Force [CPF] Bishalgarh, detained one Mahindra Bolero Pickup Van, near Nagerjala bus stand of which the present accused petitioner was the driver of the said vehicle. On search, 64 numbers of cartoons of skin shine cream containing 540 tubes of such creams were recovered which were being transported without any valid document and they took the said vehicle along with the driver to their office at Bishalgar. At around 7.30 am a group of unidentified persons illegally entered into the CPF Office at Bishalgarh and snatched away the key of the detained vehicle and illegally took the said vehicle along with the driver. They could identify two persons later on, who were one Saurabh Sarkar and Juwel.

The present petitioner moved similar petition for pre-arrest bail before the learned Sessions Judge, West Tripura, Agartala, which was rejected.

During hearing, Mr. D. Biswas, learned counsel appearing for the accused petitioner submits that there is no allegation in the FIR that the present accused has obstructed the government officials in discharging their duties or assaulted them physically. Also there is no allegation against him that he took away the above seized materials from the custody of the said customs officials. Learned counsel, therefore, prays for granting pre-arrest bail submitting that if he released on bail, he will cooperate with the investigating authority and will regularly attend the Court to face the trial.

Mr. R. Saha, learned Addl. P.P opposes the bail prayer. Learned Addl. P.P. submits that the custodial interrogation of the present accused petitioner is required and he also refers to the prayer of the investigating officer submitted before the learned Court below that after arrest of another accused, namely Juwel Miah to know the motive behind the crime, to collect information about other associates and to recover the vehicle. Learned Addl. P.P. also submits that there are incriminating materials against the present accused petitioner that he was involved in the alleged crime.

It appears that the provisions under which the case is registered prescribes the maximum punishments which are below 7 years of imprisonment. Only the provisions of Section 121(1), 132 and 304 (2) of BNS are non-bailable.

On consultation with the case diary, no direct materials are found against the present accused person that he was involved in obstructing the said government officials or in the matter of taking away of the seized items. It also appears that already the investigating officer had got scope of interrogation of another co-accused, Juwel Mia in police custody on the points for which he requires interrogation of the present accused petitioner of the case.

Considering all these aspects, the bail prayer is allowed. It is ordered that in the event of arrest of the present accused-petitioner, namely *Payel Alam*, he shall be released on bail in connection with Amtali P.S. Case No.107 of 2025, on furnishing a bond of Rs.40,000/- [Rupees Forty thousand] with one surely of the like amount to the satisfaction of the arresting authority on condition that as and when his presence is required, he will appear before the investigating officer for interrogation purpose. He will not anyway try to influence any of the witness of

the case in any form so as to dissuade him/them from divulging the truth before the investigating officer or before the Court. He will also appear before the learned trial Court regularly.

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

JUDGE

HIGH COURT OF TRIPURA



SUJAY GHOSH

Digitally signed by SUJAY GHOSH
Date: 2025.12.15 19:10:54 +05'30'

Sujay

सत्यमेव जयते