

HIGH COURT OF TRIPURA
AGARTALA

BAIL APPLICATION NO.131 OF 2025

Smt. Anju Debbarma,
W/o Sri Ranabir Debbarma, R/o North Debendra Chandra Nagar,
P.S. Sidhai, Sub-Division-Sadar, Dist.-West Tripura,
Pin-799211.

--- Applicant/Petitioner.

ON BEHALF OF -
Sri Ranabir Debbarma,
S/o Takhiray Debbarma, R/o North Debendra Chandra Nagar,
P.S. Sidhai, Sub-Division-Sadar, Dist.- West Tripura,
Pin-799211.

...Accused person.

Versus

The State of Tripura

--- Respondent.

BEFORE
HON'BLE MR. JUSTICE S. DATTA PURKAYASTHA

For the Applicant/Petitioner : Mr. Ratan Datta, Advocate.
Ms. S. Nag, Advocate.

For the Respondent : Mr. Raju Datta, P.P.

Date of hearing : 16.12.2025.

Date of delivery of
Judgment & Order : **18.12.2025.**

Whether fit for reporting :

YES	NO
	✓

JUDGMENT AND ORDER

This bail application has been filed under Section 483 of BNSS, 2023, praying for bail of accused Ranabir Debbarma, in connection with Ganganagar P.S. Case No.02/2025, registered under Sections 20(b)(ii)(c)/25/29 of NDPS Act and Section 190(2)/192(A) of M.V. Act, 1988.

2. Brief facts of the prosecution case are that Inspector Suben Debbarma of Ganganagar Police Station submitted a written FIR alleging that during vehicle checking duty on 20.06.2025 at Ganganagar Naka Point, on Ambass-Gandacherra Road, when they gave signal to stop the vehicle bearing Registration No.TR01-BU-0210 (XUV-300), the vehicle did not stop and ran away from the said spot. They started chasing the said vehicle and ultimately found that the said vehicle was left abandoned near Karnamani Para TSR camp by the driver who fled away through the jungle. They searched the vehicle and ultimately, recovered 6(six) packets of ganja wrapped with brown colour cello tape, measuring 20 Kg. 100 gm. therefrom.

3. Police carried out the investigation and during investigation arrested the accused Ranabir Debbarma on 08.08.2025 and seized one mobile phone containing SIM No.7085507635 from his possession. Prior to that the I.O. on the basis of informations received from his source, collected CDR of said mobile phone to detect it's tower location, covering the period from 09.06.2025 to 23.06.2025 and on examination, I.O. found that on the very date of incident, the holder of the said mobile phone started his journey from Uttar Debendranagar under Lefunga P.S. and at certain point of time, he went to Ganganagar through Jirania Howaibari and then to Ambassa. Police examined other relevant witnesses and ultimately laid the charge-sheet against the present accused under Sections 20(b)(ii)(c)/25/29 of NDPS Act and under Sections 177/190(2)/192(A) of MV Act.

4. At the time of hearing, learned counsel, Mr. Ratan Datta appearing for the petitioner admits that the accused is the owner of the alleged vehicle wherefrom the alleged recovery of ganja was done by the police.

However, learned counsel submits that the total weight of ganja was found to be 20 Kg. 100 gm. as per the seizure list inclusive of the weight of the package and therefore, there is every likelihood that the total weight of the ganja excluding the packets is likely to be less than 20 Kg.

Learned counsel further submits that in the charge sheet after the closure of the investigation, except the CDR report of the mobile phone of the accused, no material could be collected by the investigating officer to *prima facie* establish that he was engaged in such trafficking of drugs and moreover, the ownership of the mobile phone is also disputed.

Mr. Ratan Datta, learned counsel also submits that in the charge sheet, the investigating officer has given a chart regarding tower location of said seized mobile phone but timing of presence of the accused at Ganganagar area is also not mentioned therein to connect it with the alleged occurrence of offence at 11:50 hours.

Learned counsel further added that the investigating officer has laid the charge sheet under Section 20(b)(ii)(c)/25/29 of the NDPS Act which itself indicates that the owner was not the driver of the vehicle. Moreover, there are no materials collected by the investigating officer that the accused had the knowledge that the driver of the vehicle was carrying the contraband items. Even, no notice under Section 67 of the NDPS Act was also issued to the accused by the investigating officer before laying down the charge sheet against him.

Learned counsel also submits that unless there is corroborative evidence, CDR cannot be taken into consideration as *prima facie* proof of commission of the offence.

5. Learned P.P. submits that the investigating officer collected the CDR regarding tower location of the accused which shows that he used the route to reach Ganganagar via Jirania and Champaknagar, and no explanation is coming forward from the accused as to why on the date of alleged incident he was there at Ganganagar. More so, no explanation is also offered by him in the bail application as to how his vehicle was carrying such contraband items or whether there was any driver in this vehicle or not.

Learned P.P. also relies on a decision of Hon'ble Supreme Court in the case of ***Biswajit Dey Vrs. State of Assam, (2025) 3 SCC 241***. Learned P.P. also submits that the accused is involved in another case under NDPS Act which is numbered as Agartala GRPS case No.2023 GRP 067, registered under Sections 20(b)(ii) (c)/25/29 of the NDPS Act.

6. On consideration of submissions of learned counsel of both sides and on perusal of the records, it appears that *prima facie* there are materials that the said mobile phone was seized from the possession of the present accused though the owner of the same may be some other person. It is also not correct that time of collection of tower location of the said cell phone was not mentioned in the CDR. The CDR contains the detailed timings of the tower location of said SIM card.

7. Now, coming to the question of quantity of seized items to be of 20 Kg. and 100 gm. including the weight of package as raised by learned

counsel, Mr. Ratan Datta, at this stage, nothing is there as to what was the weight of the cello tape used for packing those items or that the total weight of cello tape would be higher than 100 gm. Therefore, at this stage, it cannot be observed that the seized items were of intermediate quantity. Further facts in this regard may be elucidated during trial. In the charge sheet, the I.O. has mentioned that 30 Nos. of samples were drawn in total 12 Nos. of envelopes, each envelope containing 30 gm. of seized suspected ganja, and rest 19 Kg. 72 gm. of the same were sent to NDPS Malkhana of Dhalai District. If aggregate of said samples i.e. (12 X 30) = 360 gm. and 19 Kg. 722 gm. are taken into account, the total weight of ganja comes to be 20 Kg. 82 gm.

8. In view of absence of any definite materials to treat the seized contraband items to be of intermediate quantity, the point as raised by learned counsel Mr. Ratan Datta, as stated above, cannot be accepted at this stage.

9. In ***Biswajit Dey*** (supra), as referred to by learned P.P., the Hon'ble Supreme Court at Paragraph 33 had observed thus—

*“33. Though seizure of drugs/substances from conveyances can take place in a number of situations, yet broadly speaking there are four scenarios in which the drug or substance is seized from a conveyance. Firstly, where the owner of the vehicle is the person from whom the possession of contraband drugs/substance is recovered. Secondly, where the contraband is recovered from the possession of the agent of the owner i.e. like driver or cleaner hired by the owner. Thirdly, where the vehicle has been stolen by the accused and contraband is recovered from such stolen vehicle. Fourthly, where the contraband is seized/recovered from a third-party occupant (with or without consideration) of the vehicle without any allegation by the police that the contraband was stored and transported in the vehicle with the owner's knowledge and connivance. **In the first two scenarios, the owner of the vehicle and/or his agent would necessarily be***

arrayed as an accused. In the third and fourth scenario, the owner of the vehicle and/or his agent would not be arrayed as an accused....”

10. In this case, the ownership of vehicle is not disputed by the accused and no explanation is also being offered by him as to how the said vehicle was carrying such contraband items, and if he was not the driver of the said vehicle then who was carrying such contraband items at that time as the control and possession of the said vehicle is not denied by the accused.

11. Considering all these aspects, this Court is not inclined to grant bail to the accused, and accordingly, the bail application stands rejected.

It is, however, noted that whatever observations are made here-in-above, will have no bearing on the merits of the case during trial.

Send down the trial Court record along with copy of this order.
Also return the C.D. to the learned P.P. with a copy of this order.

(S. DATTA PURKAYASTHA, J)