

HIGH COURT OF TRIPURA

A G A R T A L A

B. A No.44 of 2026

B. A No.45 of 2026

In B. A No.44 of 2026

Faiz Uddin Ahmed,

C/O- Ilash Ali, resident of Natun Kanchanpur,
P.S. Kachudaram & District- Cachar, State of
Assam

.....Applicant(s)

For and behalf of

Farid Akter,

Son of Faiz Uddin Ahmed, resident of Natun
Kanchanpur, P.S. Kachudaram & District-
Cachar, State of Assam

... Accused Person(s)

– V e r s u s –

The State of Tripura

.....Respondent(s)

In B. A No.45 of 2026

Dilahar Ali,

C/O- Rais Ali, resident of Natun Kanchanpur,
P.S. Kachudaram & District- Cachar, State of
Assam

.....Applicant(s)

For and behalf of

Sajmul Islam,

Son of Dilahar Ali, resident of Natun
Kanchanpur, P.S. Kachudaram & District-
Cachar, State of Assam

... Accused Person(s)

– V e r s u s –

The State of Tripura

.....Respondent(s)

For the Applicant (s) : Mr. A. Acharjee, Adv.

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

Date of Hearing & delivery : **16th March, 2026.**
of Judgment and Order

Whether fit for reporting : NO

HON'BLE MR. JUSTICE S. DATTA PURKAYASTHA
JUDGMENT & ORDER (ORAL)

Heard learned counsel of both sides.

[2] Both the bail applications are heard together and are being disposed of by this common order, as same have arisen out of a common police case bearing No. R.K. Pur P.S. case No.168 of 2025 registered under Sections 21(b)/29 of the NDPS Act, 1985.

[3] Allegations in the FIR are that the accused persons along with one co-accused were apprehended on 05.11.2025 at Udaipur Railway Station based on a secret information while they were talking with each other. The co-accused is a BSF personnel and was found in olive colour inform at that time. In presence of the O.C of the police station and the SDPO, Udaipur, they were searched and total 128.7 gm of alleged heroin was recovered from their possession, out of which 37.75 gm. of such contraband item was recovered from accused, Sajmul Islam and 39.45 gm. of such contraband item was also recovered from accused, Farid Aktar. Rest quantity of such item was recovered from the co-accused. Thereafter, those items were seized and they were arrested and police proceeded for investigation.

[4] Finally, on completion of the investigation, police filed charge-sheet against the present accused persons and also against another co-accused namely, Salim Uddin Ahammed under Sections 21(b)/29 of the NDPS Act. The investigating officer also filed a petition for custody trial of the present accused persons and said co-accused on the grounds that-

- (i) if they are released on bail, they may abscond elsewhere,
- (ii) they may influence prosecution witnesses either with muscle power or money power.
- (iii) they would flee away to their home State, Assam as they hail from that State and they have their previous history of multiple visits in different Indian states.

[5] Learned Special Judge allowed said petition for custody trial vide order dated 29.01.2026 which is also challenged in these proceedings. Learned Special Judge in support of his view of custody trial of the accused persons has observed that the accused persons are resident of neighbouring State Assam and they are involved in serious offence of trafficking of narcotic items in Tripura and one of them is also BSF personnel and therefore, considering the allegations levelled against them and their conduct, prayer for custody trial was allowed.

[6] Mr. A. Acharjee, learned counsel appearing for both the accused persons submits that the accused were arrested on 05.11.2025 and since then they are in custody. Learned counsel further submits that it was a case of intermediate quantity of contraband items and moreover, if they are released on bail, they will regularly attend the court to face the trial. Learned counsel also submits that earlier one accused namely, Sri Salim Uddin Ahammed, who was a BSF personnel was also released on bail by this Court vide order dated 23.02.2026, passed in B.A. No.26 of 2026.

[7] Mr. Raju Datta, learned P.P., on other hand, raises his concern that unlike, said Sri Salim Uddin Ahammed, the present two accused persons are not a Government employee or a member of any discipline force and they are the residents of Assam and thus, once they abscond after being released on bail, the trial will seriously hamper and it will not be easier for the police authority to procure their arrest again. Learned P.P., therefore, opposes the bail prayers.

[8] This Court has considered the submissions of both sides.

[9] It is fact that earlier one co-accused, Sri Salim Uddin Ahammed, who was a BSF personnel was released on bail with certain stringent conditions considering the fact that it was a case of intermediate quantity of contraband items and moreover, he was a government employee and his place of posting was at BSF Camp, Bagafa. In the said case, this Court also observed that involvement in trafficking of narcotic items is a serious offence having adverse impact in the society. However, all the witnesses cited in the charge-sheet, except two witnesses, were government officials and therefore, chance of influencing the witnesses was also lesser.

[10] It is also a fact that the quantum of the contraband items as allegedly recovered from the accused persons are of intermediate quantity and for a considerable period, the accused persons are in custody. However, this Court feels that their attendance in the trial is required to be ensured, if they are released on bail by imposing more stringent conditions on them unlike, said co-accused Sri Salim Uddin Ahammed.

[11] Considering all these aspects, the bail prayers of the present accused persons namely, Farid Akter and Sajmul Islam are allowed. They may go on bail on furnishing a bond of Rs.50,000/- [Rupees Fifty thousand] only each along with 2[two] sureties or Rs.1,00,000/- [Rupees One lakh] only each with one surety of the like amount to the satisfaction of the learned Special Judge, Gomati Judicial District, Gomati on conditions that:

(i) the sureties must be the permanent residents of Tripura;

(ii) they will not leave the jurisdiction of Gomati Revenue District without prior permission of the learned Special Judge, Gomati and such permission can be accorded by the learned Special Judge only on any urgent situation;

(iii) the accused persons within 7[seven] days of their release on bail will furnish their place of residence and their registered mobile phone numbers both before the learned Special Judge and the investigating officer, who has laid the charge-sheet and they will also record their attendances daily before the learned Special Judge during those 7[seven] days and thereafter, once in a week till the trial is completed or the said condition is relaxed by the learned Special Judge for any special reason;

(iv) they will not try to make contact with any of the witnesses of the case directly or through any other person and will not try to terrorise or influence said witnesses; and

(v) they will regularly attend the Court to face the trial.

With such observations and directions, these bail applications are disposed of.

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

Reconsign the LC records to the learned trial Court.

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

JUDGE



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