

**HIGH COURT OF TRIPURA
AGARTALA
BA No.43 of 2026**

Ahmed Hussain,
S/O- Abdul Rouf,
Resident of East Lowwairpoa,
P.S.- Bazari Chara,
District- Karimganz, Assam.

--- Applicant

For and on behalf of:-

Sri Mahboob Alam,
S/O- Ahmed Hossain,
Resident of East Lowwairpoa,
P.S.- Bazari Chara,
District-Karimganz, Assam.

**---- Accused Person
(In custody since 27.01.2026)**

-Vs-

The State of Tripura,
Represented by the Secretary,
Home Department,
Government of Tripura,
New Capital Complex,
Agartala, West Tripura

---Respondent

For Applicant(s)	:	Mr. Sankar Lodh, Adv. Mr. Koomar Chakraborty, Adv.
For Respondent(s)	:	Mr. Raju Datta, P.P.

HON'BLE MR. JUSTICE BISWAJIT PALIT

Order

16/03/2026

This bail application under Section 483 of BNSS, 2023 is filed for granting bail to the accused-in-custody namely Mahboob Alam who is lodging in jail since 27.01.2026 in connection with Panisagar Police Station Case No.2024 PNS 074 registered under Sections 22(C/25/29 of NDPS Act corresponding to Special (NDPS) 19 of 2025.

Heard Learned Counsel, Mr. S. Lodh appearing on behalf of the accused-in-custody and also heard Learned P.P., Mr. Raju Datta appearing on behalf of the State-respondent.

Taking part in the hearing, Learned Counsel, Mr. S. Lodh drawn the attention of the Court that initially this accused preferred anticipatory bail application to this Court which was numbered as AB No.69 of 2025 and this Court by order dated 25.09.2025 rejected the bail application as warrant of arrest was issued against him. After that the accused has surrendered before this Court on 27.01.2026 and since then he is lodging in custody.

Learned Counsel, Mr. S. Lodh further drawn the attention of the Court that by this time charge-sheet has submitted and referring the relevant part of the charge-sheet, Learned Counsel submitted that first of all this accused is not FIR named. Secondly, at the time of alleged detention of the vehicle no person found the present accused as a co-passenger of the alleged vehicle from where the contraband item was seized. Thirdly, on the basis of statement of co-accused namely, Ratan Namasudra there is no scope to presume that the accused to be involved with the alleged offence and furthermore, on the basis of CDR analysis i.e. from the call data analysis of accused Ratan Namasudra the name of the accused-in-custody was revealed. There is no scope to consider the same during hearing of bail application rather it is a matter of trial.

To substantiate his contention Learned Counsel, Mr. S. Lodh relied upon one judgment of the Hon'ble Supreme Court of India in ***P. Krishna Mohan Reddy v. The State of Andhra Pradesh***

reported in **2025 SCC OnLine SC 1157**, wherein in para No.53 Hon'ble the Apex Court observed as under:-

"53. From the above exposition of law, the following emerges:—

(iv) Where such police statement of an accused is confessional statement, the rigour of Section(s) 25 and 26 respectively will apply with all its vigour. A confessional statement of an accused will only be admissible if it is not hit by Section(s) 24 or 25 respectively and is in tune with the provisions of Section(s) 26, 28 and 29 of the Evidence Act respectively. In other words, 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 or during trial. Since such confessional statements are rendered inadmissible by virtue of Section 25 of the Evidence Act, the provision of Section 30 would be of no avail, and no reliance can be placed on such confessional statement of an accused to implicate another co-accused.

(v) A confessional statement of one accused implicating another co-accused may be taken into consideration by the court against such co-accused in terms of Section 30 of the Evidence Act, only at the stage of trial, where (1) the confession itself was relevant and admissible in terms of the Evidence Act; (2) was duly proved against the maker; (3) such confessional statement incriminates the maker along with the co-accused and; (4) both the accused persons in question are in a joint trial for the same offence.

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Referring the same Learned Counsel for the applicant submitted that on the basis of statement of co-accused there is no scope that the present accused is guilty and the alleged statement of co-accused only can be taken into consideration during trial not during hearing of bail application. On this, Learned Counsel urged for granting bail to the accused.

Regarding call data analysis reliance was further placed upon another citation of the Hon'ble Supreme Court of India reported in **State (by NCB) Bengaluru v. Pallulabid Ahmad Arimutta & Anr.** along with other connected matters reported in **(2022) 12**

SCC 633, wherein in para Nos.10, 11 and 12, Hon'ble the Apex Court observed as under:-

"10. Vide order dated 5-1-2020, learned counsel for the petitioner NCB were directed to prepare a comprehensive tabulated statement with respect to the role attributed to each of the respondents, the evidence gathered against them at the time of their arrest, their antecedents, the dates on which they were arrested and the period of custody undergone by them, for ready reference. The said tabulated statement has been filed and a perusal thereof reveals that in SLP (Crl.) arising out of Diary No. 22702 of 2020, SLP (Crl.) No. 1454 of 2021, SLP (Crl.) No. 1465 of 2021, SLPs (Crl.) Nos. 1773-1774 of 2021, SLP (Crl.) No. 2080 of 2021, heavy reliance has been placed by the petitioner NCB on the voluntary statements of the accused and the co-accused recorded under Section 67 of the NDPS Act for arresting them. Another piece of evidence referred to is the CDR details in respect of A-3, A-4, A-5, A-6 and A-8 in the first case which as per the prosecution, goes to show that the said respondents were constantly in touch with each other and with A-1 and A-2 on the date of the seizure. The attention of this Court was also drawn to the fact that the antecedents of A-5, A-6 and A-8 in the first case and A-2 and A-5 in the second case are not clean.

11. Having gone through the records along with the tabulated statement of the respondents submitted on behalf of the petitioner NCB and on carefully perusing the impugned orders [Pallulabid Ahamad Arimutta v. State, 2019 SCC OnLine Kar 3516] , [Mohd. Afzal v. Union of India, 2020 SCC OnLine Kar 3433] , [Munees Kavil Paramabath v. State, 2020 SCC OnLine Kar 3431] , [Abu Thahir v. State, 2019 SCC OnLine Kar 3517] , [Mohd. Afzal v. Union of India, 2020 SCC OnLine Kar 1294] , [Munees Kavil Paramabath v. State of Karnataka, 2020 SCC OnLine Kar 3432] passed in each case, it emerges that except for the voluntary statements of A-1 and A-2 in the first case and that of the respondents themselves recorded under Section 67 of the NDPS Act, it appears, prima facie, that no substantial material was available with the prosecution at the time of arrest to connect the respondents with the allegations levelled against them of indulging in drug trafficking. It has not been denied by the prosecution that except for the respondent in SLP (Crl.) No. 1569 of 2021, none of the other respondents were found to be in possession of commercial quantities of psychotropic substances, as contemplated under the NDPS Act.

12. It has been held in clear terms in Tofan Singh v. State of T.N. [Tofan Singh v. State of T.N., (2021) 4 SCC 1 : (2021) 2 SCC (Cri) 246] , that a confessional statement recorded under Section 67 of the NDPS Act will remain inadmissible in the trial of an offence under the NDPS Act. In the teeth of the aforesaid decision, the arrests made by the petitioner NCB, on the basis of the confession/voluntary statements of the respondents or the co-accused under Section 67

of the NDPS Act, cannot form the basis for overturning the impugned orders [Pallulabid Ahamad Arimutta v. State, 2019 SCC OnLine Kar 3516] , [Mohd. Afzal v. Union of India, 2020 SCC OnLine Kar 3433] , [Munees Kavil Paramabath v. State, 2020 SCC OnLine Kar 3431] , [Abu Thahir v. State, 2019 SCC OnLine Kar 3517] , [Mohd. Afzal v. Union of India, 2020 SCC OnLine Kar 1294] , [Munees Kavil Paramabath v. State of Karnataka, 2020 SCC OnLine Kar 3432] releasing them on bail. The CDR details of some of the accused or the allegations of tampering of evidence on the part of one of the respondents is an aspect that will be examined at the stage of trial. For the aforesaid reason, this Court is not inclined to interfere in the orders dated 16-9-2019 [Pallulabid Ahamad Arimutta v. State, 2019 SCC OnLine Kar 3516] , 14-1-2020 [Mohd. Afzal v. Union of India, 2020 SCC OnLine Kar 3433] , 16-1-2020 [Munees Kavil Paramabath v. State, 2020 SCC OnLine Kar 3431] , 19-12-2019 [Abu Thahir v. State, 2019 SCC OnLine Kar 3517] and 20-1-2020 [Munees Kavil Paramabath v. State of Karnataka, 2020 SCC OnLine Kar 3432] passed in SLP (Crl.) No. arising out of Diary No. 22702 of 2020, SLP (Crl.) No. 1454 of 2021, SLP (Crl.) No. 1465 of 2021, SLPs (Crl.) Nos. 1773-74 of 2021 and SLP (Crl.) No. 2080 of 2021 respectively. The impugned orders [Pallulabid Ahamad Arimutta v. State, 2019 SCC OnLine Kar 3516] , [Mohd. Afzal v. Union of India, 2020 SCC OnLine Kar 3433] , [Munees Kavil Paramabath v. State, 2020 SCC OnLine Kar 3431] , [Abu Thahir v. State, 2019 SCC OnLine Kar 3517] , [Mohd. Afzal v. Union of India, 2020 SCC OnLine Kar 1294] , [Munees Kavil Paramabath v. State of Karnataka, 2020 SCC OnLine Kar 3432] are, accordingly, upheld and the special leave petitions filed by the petitioner NCB seeking cancellation of bail granted to the respective respondents, are dismissed as meritless."

Referring the same Learned Counsel for the applicant also submitted that the allegation of the prosecution against the present accused is the subject matter of trial which cannot be considered during the stage of bail. So, finally Learned Counsel urged for releasing the accused on bail in any condition.

On the other hand, Learned P.P., Mr. R. Datta appearing for the respondent submitted that this present accused is charge-sheeted and his previous conduct was not at all satisfactory. So considering the materials on record this bail application needs to be rejected.

Considered.

In this case, prosecution was set into motion on the basis of an FIR laid by one SI Jitendra Tripura to O/C, Panisagar Police Station alleging *inter alia* that on 03.11.2024 the informant along with staff were performing Naka checking duty at Panisagar Fisheri Para Naka point at that time they found one Assam Registration Vehicle Bearing Registration No.As-01BY-0198 (Suv S-Cross) which was coming from Assam side towards Agartala through NH-08 and during routine checking he stopped the vehicle and on being asked about his journey the driver could not give any satisfactory reply. Another person was also available in the vehicle but his statement was doubtful. After that they had started searching the vehicle when one of the boy ran towards Panisagar market and being asked the driver told that there were certain contraband items in the vehicle that is in the secret box. Accordingly, the matter was conveyed to O/C, Panisagar P.S. through GD Officer and within a short span of time SDPO, PNS along with other staff appeared along with DCM, Panisagar and after that they had searched the vehicle as per procedure and found 750 Nos. of plastic pouch packets containing pink colour "Wy" Pills and after measurement the whole weight of all pills were 10.5 Kg. Thereafter, he seized the contraband NDPS items including the vehicle after observing all formalities along with the alleged driver and laid the FIR. This is the sum and substance of the prosecution case.

I have also perused the CD.

During investigation, I/O took all the steps and on completion of investigation laid charge-sheet against this accused

and another. From the statement of witnesses so far collected by I/O, no direct incriminating evidence found against the accused save and except the evidence of statement of co-accused and the CDR analysis.

So, considering the materials on record and also in view of the observation of Hon'ble the Supreme Court of India in aforenoted cases, I am inclined to consider the bail application of the accused-in-custody of his execution of bond of Rs.1,00,000/- (Rupees One Lakh) with 02 (two) sureties of like amount out of which one of the surety must be a public servant with one further condition that the accused shall not leave the jurisdiction of the Court without prior permission of the Learned Trial Court and he shall attend the Learned Court below once in fortnight till completion of the trial in addition to normal dates i.d. the accused shall remain in J/C as before.

With this observation, this bail application stands disposed of.

Send down the record to the Learned Trial Court along with a copy of this order.

A copy of this order be supplied to Learned Counsel for the applicant for information and compliance.

Return back the CD to I/O through Learned P.P. along with a copy of this order.

However, Learned Trial Court shall make all endeavour to dispose of the case in accordance with law giving top priority.

JUDGE

Amrita

**AMRITA
DEB**

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