

**HIGH COURT OF TRIPURA
A G A R T A L A**

B.A. No.48 of 2026

Smt. Ichmatara Begam,

wife of Sri Ripad Choudhury of village-
Barmura, North Paharpur, P.S. Jatrapur,
District- Sepahijala, Tripura

..... Applicant(s)

On behalf of

Sri Ripad Choudhury

son of late Jamal Miah of village- Barmura,
North Paharpur, P.S. Jatrapur, District-
Sepahijala, Tripura

..... Accused person(s)

- V e r s u s -

The State of Tripura

.....Respondent(s)

For the Applicant (s)	:	Mr. H. Laskar, Adv
For the Respondent(s)	:	Mr. R. Datta, P.P

HON'BLE MR. JUSTICE S. DATTA PURKAYASTHA

ORDER

11.03.2026

Heard both sides.

This bail application has been filed on behalf of accused, Ripad Choudhury, in connection with Jatrapur P.S. Case No.31 of 2025 registered under Sections 20(b)(ii)(c), 21(c) and 25 of the NDPS Act, 1985.

The accused was arrested on 07.07.2025. According to the learned counsel, he is in custody since then.

The FIR was lodged by one Ajoy Baran Saha, Sub-Inspector of police to the O/C Jatrapur P.S. on 07.07.2025 that on the secret information, he along with others police officials, in presence of O/C Jatrapur P.S., raided the house of the accused and recovered 24 Kg. dry ganja along with 750 numbers of bottles of Eskuf syrup containing 100 ml. each from his house, which were kept hidden beneath the earth, inside of his dwelling hut.

The police accordingly arrested him. The said FIR was registered as Jatrapur P.S. case No.31 of 2025. The police thereafter, proceeded with the investigation and submitted the charge-sheet against the accused person under Sections 20(b)(ii)C/21(c)/25/29 of NDPS Act, 1985. In the charge-sheet, it is also mentioned that the residence of the accused is situated under reserved forest area and he is occupying 0.10 acres of land therein.

Learned counsel, Mr. H. Laskar, appearing for the accused applicant prays for bail mainly on the three grounds viz. firstly, that the grounds of arrest was not duly communicated to the arrestee in terms of Article 22(1) of the Constitution and other relevant decisions of the Hon'ble Supreme Court in this regard rendering the arrest illegal; secondly, that the land where his house is situated was a khash land and he was not the owner of that land and thirdly, that from 7th July, 2025, he is in jail and there had been prolonged incarceration of the accused applicant. Learned counsel also submits that if the accused is released on bail, he will regularly attend the court to face the trial and will not terrorize and influence the witnesses of this case.

Mr. R. Datta, learned PP appearing for the State producing the CD has seriously opposed the prayer for bail and submits that through the field verification done by the investigating officer in collaboration with Tehshil authority, it is found that the accused was the owner of the alleged hut wherefrom the contraband items were seized and there are prima-facie materials that he was possessing the said contrabands.

Considered the submissions of both sides.

It appears from the records that the plea of non-furnishing of grounds of arrest was raised before the learned Special Judge, Sepahijala District, Sonamura and the learned Special Judge vide order dated 11.02.2026 after examining the records, categorically observed that apart from the grounds of arrest mentioned in the arrest memo, separate grounds of arrest was also prepared by the investigating officer in English which was duly received by the accused. This Court has also found that the grounds of arrest is clearly mentioned in a separate sheet of paper which was received by the accused and he put his signature in English form and therefore, the first contention as raised by the learned counsel of the accused is not convincing.

So far the second ground is concerned, the investigating officer has collected the report from the Tehshildar of Dhanpur Revenue Circle, wherein

the Tehshildar has categorically mentioned that the area of 0.10 acres wherein the residence of the present accused is situated, falls within the land of Forest Department. However, the accused is residing in the said house. From the statements recorded by the investigating officer of some other witnesses, like Inspector, Subrata Debnath, Sub-Inspector, Bijoy Kr. Chakraborty, Constable, Debasish Debnath and women constable, Rosana Begam, it appears that the accused was caught red handed in the said house along with contraband items when those were recovered after digging the earth. Therefore, there are prima-facie materials of recovery of commercial quantity of dry ganja from the possession of the present accused. Who is the owner of the house or the land, are not relevant for the purpose of adjudication of the case under Sections 20(b)(ii)/C/21(c)/25/29 of NDPS Act, 1985, rather it is more important as to from whose possession those contraband items were recovered.

The third ground of bail regarding the prolong incarceration as raised from the side of the accused, also cannot be taken into consideration in view of rigour of Section 37 of the NDPS Act.

Considering all these aspects, the bail prayer is rejected and accordingly, the bail application is disposed of.

Return the CD to learned PP along with a copy of this order.

Reconsign the records of the learned trial Court along with a copy of this order immediately.

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

JUDGE

SUJAY GHOSH Digitally signed by SUJAY GHOSH
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