

**HIGH COURT OF TRIPURA  
AGARTALA**

**B.A. No.52 of 2026**

**Smt. Rabiya Khatun,**

W/o- Sri Mangal Miah, (Aged about 50 years),  
Resident of Matinagar, P.O.- Rayermura, P.S.- Amtali,  
Pandapbpur Gram Panchayat, West Tripura, Tripura, PIN- 799130.

.....Applicant(s)

**For and on behalf of**

**Mangal Miah,**

S/o- Aytali Miah, (Aged about 55 years),  
Resident of Matinagar, P.O.- Rayermura, P.S.- Amtali,  
Pandapbpur Gram Panchayat, West Tripura, Tripura, PIN- 799130.

.....Accused Person(s)

V e r s u s

**The State of Tripura**

(Represented by the Secretary, Home Department), Government of Tripura,  
Agartala.

.....Respondent(s)

---

For Applicant(s) : Mr. Debalay Bhattacharya, Senior Advocate.  
Mr. Agniva Chakrabarti, Advocate.

For Respondent(s) : Mr. Raju Datta, PP.

---

**HON'BLE MR. JUSTICE S. DATTA PURKAYASTHA**

**Order**

**17/03/2026**

Heard learned counsel of both sides.

[2] For the accused, Mangal Miah, earlier the applicant, Rabiya Khatun, filed a bail application bearing BA No.25 of 2026. Said Mangal Miah was arrested in connection with Amtali P.S. Case No.85 of 2025 registered under Sections 22(c), 25, 27(a) of NDPS Act, and he has been in custody since 25.09.2025.

[3] The bail application was filed seeking interim bail for the accused-petitioner for his treatment purposes, as he was suffering from blockage of Coronary Artery Triple Vessel Disease (CATVD), and was referred to CMC Vellore, Tamil Nadu by the State Medical Board.

[4] Vide order dated 18.02.2026, this Court rejected the said prayer for interim bail, as the State, according to the prosecution, had taken necessary steps for his shifting at CMC Vellore. It was also observed that the jail authority would treat the matter with all urgency and would take necessary steps for shifting of accused to CMC Vellore without unnecessary delay. Liberty was also given to the accused-petitioner to approach this Court again if any unreasonable delay is caused by the jail authority in this regard. Thereafter, the present bail application has been filed with the allegation that a considerable period has elapsed, but the jail authority has not shifted him to CMC Vellore for his treatment.

[5] Mr. Debalay Bhattacharya, learned senior counsel submits that the accused is a patient of cardiac disease of serious nature which requires immediate medical intervention, and for that reason, considering such seriousness, the State Medical Board also was of the view that he should receive treatment at CMC Vellore. In such a situation, for about one month, he is still left without proper treatment, and at any time the life of accused may be put at risk.

[6] Mr. Raju Datta, learned PP, however, places letter dated 12.03.2026 and 17.03.2026 of prison authority. The letter dated 12.03.2026 reflects that around Rs.10,00,000/- is required to be expended from the State exchequer for such treatment, and therefore, requisition was made for arrangement of such funds. Further, correspondence was also made with the D.G. Prisons & Correctional Services, Tamil Nadu, for arrangement of accommodation of the accused in the nearest jail during his medical treatment. It appears from the letter dated 17.03.2026 that a similar version has been made in said letter and that necessary measures for arranging funds to meet up the expenditure has been taken up and upon receiving of accommodation confirmation from D.G. Prisons, Tamil Nadu, necessary communication will then be made with I.G. Law and Order, Police Department, Govt. of Tripura for arranging necessary escort for shifting of the said patient. From the above said correspondences, it appears that the prison authority is not sitting idle and they have also taken some steps but there is uncertainty as to when he will actually be shifted to Vellore. After the passing of the order by this Court on 18.02.2026, one month has already

elapsed but till date the patient has not been shifted to CMC Vellore. From the said letter dated 17.03.2026, it also appears that some further time will be consumed in exhausting all the codal formalities, and unless any communication is received from the D.G. Prisons, Tamil Nadu, the Prison Authority of Tripura is not even in a position to shift him there. In such a situation, the Court feels that it is a case of urgent medical attention, and therefore the better course will be to release the accused on an interim bail for a short period to ensure his early treatment.

[7] Mr. Bhattacharya, learned senior counsel, in this regard, also relies on the decision of the Delhi High Court in case of **Athar Pervez vs. State, (2016) SCC OnLine Del 6662**, to show that limited indulgence can be granted to the accused by granting interim bail for a short period despite the rigours under the provision of Section 37 of NDPS Act for any exceptional situation. Learned senior counsel submits that the purpose of treatment will be served only if one month time is granted to the accused. Hon'ble Supreme Court also in **Rahul Subash vs. The State of Kerala & Anr., [Criminal Appeal No.299 of 2024 decided on 24.03.2025]** granted interim bail to the accused on special ground in a case concerning commercial quantity of narcotic item.

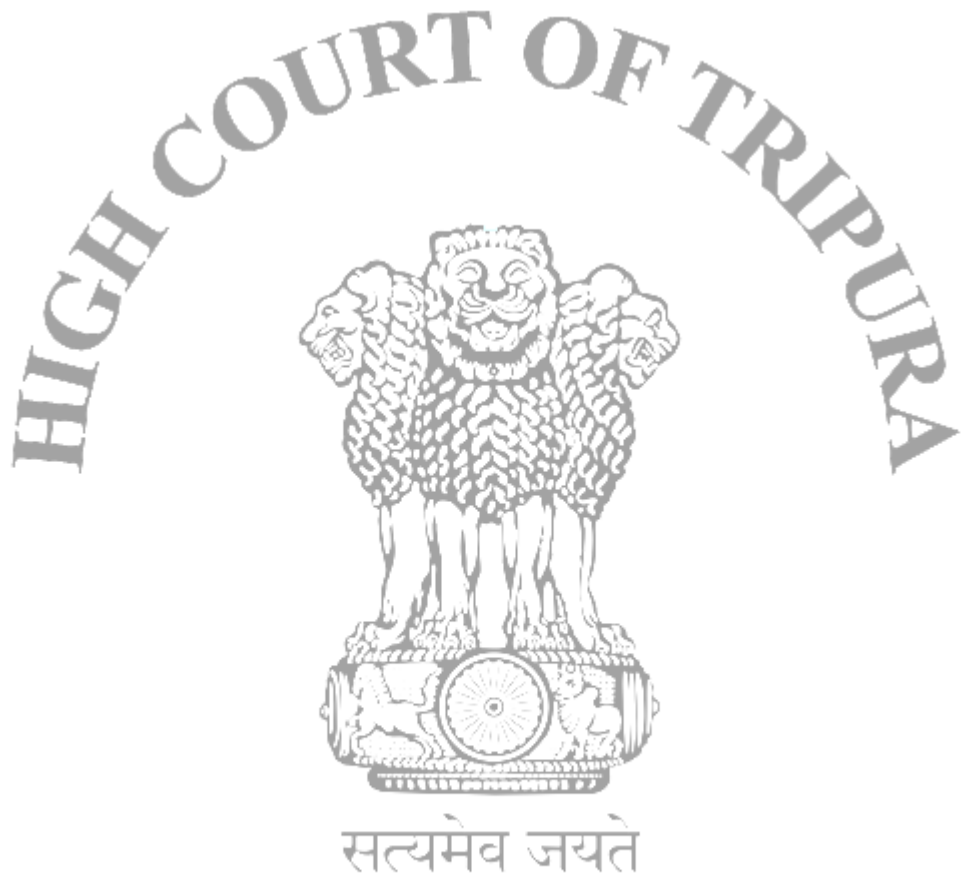
[8] In view of above, the bail prayer is allowed. The accused Mangal Miah, may go on bail for a period of one month on furnishing a bond of Rs.1,00,000/- (Rupees one lakh only) with one surety of the like amount to the satisfaction of learned Special Judge, West Tripura, on condition that:

- (i) the surety should be a permanent resident of Tripura;
- (ii) the accused shall surrender before the learned Special Judge on 17<sup>th</sup> April, 2026 invariably unless further time is extended by this Court for this purpose for any special reason.

[9] It is also clarified that granting of such interim bail for this limited period will not at all be a ground or cause for claiming or granting regular bail to the accused.

Communicate copy of this order to the learned Special Judge immediately.

**JUDGE**



MUNNA SAHA Digitally signed  
by MUNNA SAHA  
Date: 2026.03.17  
19:12:23 +05'30'  
*Dinashree*