

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

B.A. No.57 of 2026

Smt. Uma Das Dey,

C/o Sri Partha Dey, resident of Durganagar Kalibari, P.S. Khowai, Khowai Tripura.

..... **Applicant(s)**

The accused person being lodged in judicial custody, the present petition is preferred and presented by the wife of accused person, on his behalf.

Sri Partha Dey,

S/O Late Dinesh Chandra Dey, resident of Durganagar Kalibari, P.S. Khowai, Khowai Tripura.

..... **Accused Person(s)**

- V e r s u s -

The State of Tripura

.....**Respondent(s)**

For the Applicant(s) : Mr. Sankar Lodh, Advocate.

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

Date of hearing : **31st March, 2026.**

Date of delivery of Judgment & Order : **9th April, 2026.**

Whether fit for reporting :

YES	NO
	√

HON'BLE MR. JUSTICE S. DATTA PURKAYASTHA

JUDGMENT & ORDER

Heard learned counsel of both sides.

[2] In this case, the applicant has sought for bail of accused Partha Dey who is detained in connection with Khowai PS case No. 49 of 2025 registered under Sections 22(b)/21(b)/25/27-A/29 of NDPS Act, 1985.

[3] After investigation, charge-sheet was also laid in this case under Sections 22(b)/21(b)/25/27-A of NDPS Act, 1985 against the accused and charge was also framed under Section 21(b) read with Section 22(b) of NDPS Act, Section 25 read with Section 21(b)/22(b) of NDPS Act and also under

Section 27-A read with Section 21(b)/22(b) of NDPS Act. Evidence of prosecution witnesses are yet to be recorded in this case.

[4] Allegation against the accused is that on 29.11.2025, on the basis of secret information, a search was carried out in the house of the accused wherefrom 10 Nos. of Yaba tablets, 72 Nos. of SPM-PRX capsule and Indian currency note of Rs.12,015/- were recovered from said house. The accused was arrested on 29.11.2025 and on the following day he was produced before the Court at Khowai, Tripura.

[5] Learned counsel of both sides submit that all the statements recorded by the investigating officer are annexed along with the bail application and it is found that only one witness namely, Ranjit Sarkar, O/C of Subash Park Outpost in his statement recorded under Section 180 of BNSS stated that during spot interrogation by the complainant, the detained person had confessed that he stored those contraband items to sell it in the Khowai town area and that the seized money was obtained from selling the contraband items to his customers. The accused further confessed that he was in this business with his other associates and he would also finance money to his associates and other drug peddlers for drug trafficking. Said statement was made in presence of and to the said police officer. No other statement is found regarding the matter of financing in this regard.

[6] Mr. Sankar Lodh, learned counsel for the applicant accused submits that the case is concerning recovery of intermediate quantity of contraband drugs and there is no prima facie material collected by the investigating officer regarding application of Section 27-A of the NDPS Act in this case. Mr. Lodh, learned counsel also relies on a decision of this Court in case of **Smt. Rupam Debbarma on behalf of accused Sri Atul Debbarma vs. the State of Tripura (BA No.10 of 2026, decided with another bail application on 09.03.2026)** wherein this Court observed that whenever any amount is directly or indirectly funded by a person in carrying out any of the activities as mentioned in Section 2(viii-b) of the NDPS Act by some other person(s), such funding is treated as financing and it comes within the sweep of Section 27-A of the Act. Learned counsel also submits that in the charge-sheet, there was mention of pendency of one case against the present

accused bearing Khowai PS case No. 27 of 2020 under Sections 21(b)/29 of NDPS Act and Section 45 of TE Act and charge-sheet was filed in said case also. However, by producing one order dated 20.09.2021 in Special (NDPS) No.08 of 2020 passed by learned Special Judge (NDPS), Khowai along with one copy of judgment passed in PRC (WP) No.174 of 2021 by learned Chief Judicial Magistrate, Khowai relating to said Khowai PS case No.27 of 2020, learned counsel submits that the present accused was acquitted. According to Mr. Lodh, learned counsel, ground of such acquittal was non-compliance of Sections 42 and 50 of NDPS Act and therefore, it was a case of false implication of the said accused in said case. Mr. Lodh, learned counsel also relies on a decision of Hon'ble Supreme Court in the case of **Prabhakar Tewari vs. State of Uttar Pradesh and another; (2020) 11 SCC 648** wherein it was observed by the Hon'ble Supreme Court in the given fact of that case that the offence alleged no doubt was grave and serious and there were several criminal cases pending against the accused but those factors by themselves could not be the basis for refusal of prayer for bail. Mr. Lodh, learned counsel also relies on another decision of Hon'ble Supreme Court in the case of **Puranmal Jat vs. State of Rajasthan; 2023 SCC OnLine SC 1418**. In said case, intermediate quantity of Poppy straw was allegedly recovered from the accused and he was in custody for over seven months and charge-sheet was also submitted in that case. Therefore, the Hon'ble Supreme Court observed that the restriction on grant of bail under Section 37 of the NDPS Act would not apply in that case and considering the continued detention of the accused, bail was granted to him with certain conditions. Mr. Lodh, learned counsel finally submits that if bail is granted to the applicant accused in the present case, he will regularly attend the Court to face trial and will not try to terrorize or influence any witness of the case.

[7] Mr. Raju Datta, learned P.P., on the other hand, submits that when charge was framed under Section 27-A of NDPS Act, the accused did not raise any objection and therefore, now at this stage, without challenging the said framing of charge, he cannot submit that there is no prima facie material against him regarding application of Section 27-A of NDPS Act. Learned P.P. further submits that the punishment in this case is severe in nature and the antecedent of the applicant accused is also bad and therefore,

there is also likelihood of repeating the offence by the applicant accused and therefore, the bail prayer may be rejected.

[8] Court has considered the submission of both sides and also considered the materials placed in the record as well as in the case diary.

[9] The case is of recovery of intermediate quantity of contraband item. So far, applicability of Section 27-A of NDPS Act is concerned, in this limited scrutiny for the purpose of deciding the merit of the bail application, prima facie, this Court does not find sufficient materials against the present accused to apply the provision of Section 27-A of the NDPS Act and consequently, the rigour of Section 37 of the Act. Law regarding applicability of Section 27-A of the NDPS Act has already been clarified by this Court in case **Smt. Rupam Debbarma (supra)**. For a considerable period, the accused is in custody. He has his permanent home and hearth within the jurisdiction of learned Special Judge. So far his previous case is concerned, same was relating to the recovery of small quantity of contraband items and while trying the said case, learned Chief Judicial Magistrate expressed its doubt about genuinity of recovery of such item from his house.

[10] Considering all these aspects, the bail prayer is allowed. Accused Partha Dey may go on bail on furnishing a bond of Rs.1,00,000/- (*Rupees one lakh*) with one surety of the like amount to the satisfaction of learned Special Judge, Khowai on conditions that-

- i. the surety must be a permanent resident of Tripura;
- ii. the accused person will not try to terrorize or influence any witness of the case and will also not try to make any contact, either directly or indirectly, with them;
- iii. the accused will regularly attend the Court to face trial and will give his attendance once in every fortnight before the learned Special Judge, Khowai till the trial is completed or till the condition is relaxed by the learned Special Judge.
- iv. he will not leave the jurisdiction of learned Special Judge without his prior permission;

v. he will provide his mobile phone number to the learned Special Judge and will not change or hand over the SIM card to anyone else till the trial is completed.

With such observation and direction, the bail application is disposed of.

Return the case diary to learned P.P.

Re-consign the Trial Court record.

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

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

JUDGE



सत्यमेव जयते