



HIGH COURT OF TRIPURA
AGARTALA

B.A. No.64 of 2026

Md Enamul Haque,
S/o- Manir Hossain,
R/o- Sonapur, Sovapur 107,
P.S.- Sonamura, Sepahijala Tripura.

.....Applicant(s)

On behalf of-
1. Peyara Khatun,
W/o- Manir Hossain,

2. Sahina Akter,
W/o- Manir Hossain,

Both are R/o- Sonapur, Sovapur 107,
P.S.- Sonamura, Dist- Sepahijala Tripura.

.....Accused in Custody

V e r s u s

The State of Tripura

.....Respondent(s)

For Applicant(s)	:	Mr. Bhaskar Deb, Advocate. Mr. Ramprasad Gope, Advocate.
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For Respondent(s)	:	Mr. Raju Datta, PP.
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HON'BLE MR. JUSTICE S. DATTA PURKAYASTHA

Order

12/05/2026

Heard learned counsel of both sides.

[2] The application seeking bail for the accused persons, namely Peyara Khatun and Sahina Akter, is filed in connection with Sonamura PS Case No.73 of 2025 [renumbered as Special(NDPS) 05 of 2026 in the Court of the learned Special Judge, Sonamura].

[3] The accused persons were arrested on 26.08.2025 and have been in custody since then. The allegations in the FIR, lodged by one SI of police, namely Shibani Debbarma, is that on 25.08.2025, based on secret information, they raided the house of one Manir Hossain. The present two accused persons, who are stated to be his wives, were found available in the house but said Manir Hossain fled away. Thereafter, they conducted a

search and recovered total 1669 suspected Yaba tablets from the bathroom of the said house. It has also been stated in the FIR that, on spot verification, it was revealed that the present two accused persons had kept those items in the said bathroom. They also confessed their guilt with further statement that their husband, Manir Hossain, was also involved in the case. Those accused persons were thereafter arrested.

[4] Learned counsel, Mr. Bhaskar Deb, during the hearing submits that the alleged house is situated within forest land and said Manir Hossain is not the owner of the said land. Moreover, there are discrepancies in the statements of the witnesses, as some independent witnesses have stated that those items were found on a water tank, whereas, as per the statement of the police personnel, the same were recovered from the bathroom. Thus, serious suspicion arises about the veracity of such seizure from that house. Learned counsel also submits that in the related seizure list, the exact place of seizure has not been mentioned. Mr. Deb, learned counsel further submits that both the accused persons are women and have been in custody for more than eight months, and moreover, the charge-sheet has also been submitted. Therefore, bail may be granted to them. Finally, learned counsel relies on a decision of the Hon'ble Supreme Court in the case of **Rajadurai vs. The State of Tamil Nadu**, petition for Special Leave to Appeal (Crl.) No.4729 of 2026, decided on 05.05.2026 which was a case relating to an FIR registered under Sections 8(c), 20(b)(ii)(C) and 29(1) of the Narcotic Drugs and Psychotropic Substances Act, 1985. The Hon'ble Supreme Court in that case observed that the contraband involved in the said case was 22.950 kgs of ganja and charge was already framed by the trial court but not a single witness was examined in that case till the date of said order. Therefore, exercising discretion by the Hon'ble Apex Court in favour of the petitioner, he was directed to be released on bail.

[5] Mr. Raju Datta, learned PP, however, opposes the bail prayer, submitting that, in the statements of the witnesses as recorded by the Investigating Officer, there are specific allegations that both the present accused persons had kept those items in the said bathroom. Therefore, they are directly involved in the matter, and in such circumstances, the twin conditions as embodied in Section 37 of NDPS Act are not fulfilled. In

support of his submission, learned PP also relies on some decisions of the Hon'ble Supreme Court. In the case of **State of Punjab vs. Sukhwinder Singh @ Gora**, Crl. Appeal No... of 2026 [Arising out of SLP (CRL.) No.5020 of 2026], decided on 24.04.2026, and in another case, in respect of, **State of Punjab vs. Gurjit Singh @ Geetu**, Crl. Appeal No... of 2026 [Arising out of SLP (CRL.) No.5075 of 2026], decided on the same day, Hon'ble Supreme Court observed that right of speedy trial under Article 21 of the Constitution, is undoubtedly a precious constitutional right but in case of a special enactment such as the NDPS Act, particularly where the recovery is of commercial quantity, the right under Article 21 must be exercised within the framework of Section 37 and cannot be placed into service solely on the ground of delay to override it. The Constitutional right under Article 21 and the special provisions of law under Section 37 of NDPS Act are to be read harmoniously and not placed in opposition to each other. In **Narcotics Control Bureau vs. Mohit Aggarwal**, (Criminal Appeal Nos.1001-1002 of 2022, decided on 19.07.2022), a three-Judge Bench of the Hon'ble Supreme Court as relied on by learned PP, observed that there is narrow parameters of granting bail available under Section 37 of the Act, and the length of period of custody or the fact that the charge-sheet has been filed and the trial has commenced are by themselves not considerations that can be treated as persuasive grounds for granting relief to the respondent under Section 37 of the NDPS Act.

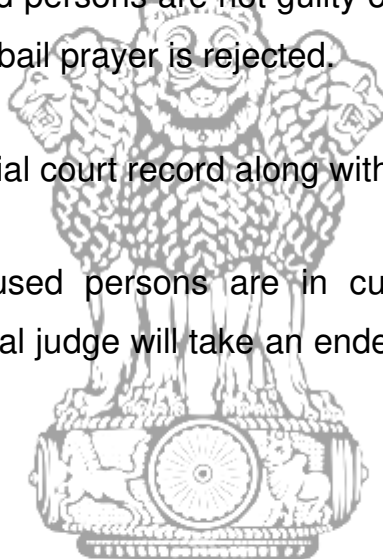
[6] Now, as it appears on perusal of the trial court records that commercial quantity of suspected Yaba tablets were recovered from the house of said Manir Hossain, which is located within a portion of forest land. There is prima facie material that both the present accused persons and another co-accused, Manir Hossain, were also residing in the said house and the present accused persons were present in the said house at the time of alleged recovery. Numbers of witnesses who are police personnel, have stated that, on spot verification, it was revealed that both the present accused persons had kept those items in the said bathroom. Two independent witnesses stated that the items were recovered from water tank, but other two independent witnesses clarified that those items were found on the said water tank situated in the bathroom. The seizure list, as referred by learned counsel, Mr. Deb, indicates the place of seizure to be

Kalapania in the house premise of Manir Hossain. There is nothing to presume at this stage that said bathroom is outside the house premise of Manir Hossain.

[7] Learned counsel, Mr. Deb, also argues that no confession or the statements of the present accused persons were recorded by the police or by the Magistrate. But, prima facie materials indicate that both the accused persons had been residing in the said house from where the alleged contraband items were recovered. Now, whether the husband alone is responsible for keeping those items in the said house, or whether the wives are only responsible, or whether all of them are jointly responsible for the same, are to be decided in the trial after the evidences are recorded. So far the twin conditions of Section 37 of NDPS Act are concerned, this Court, at this stage, is not in a position to hold that there are sufficient grounds for believing that the accused persons are not guilty of the offences as charged. In view of the above, the bail prayer is rejected.

[8] Return the trial court record along with copy of this order.

[9] As the accused persons are in custody for a considerable period, the learned Special judge will take an endeavour for early disposal of the case.



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JUDGE

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