

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

B.A. No.73 of 2026

Smt. Manju Rani Debbarma,

wife of Sri Surajit Debbarma, village- Purna
Senapati Para, Madhupur, Bishalgarh, P.S.
Madhupur, District- Sepahijala, Tripura, PIN-
799100

..... **Petitioner(s)**

On behalf of :

Sri Surajit Debbarma,

son of Sri Rajendra Debbarma, village- Purna
Senapati Para, Madhupur, Bishalgarh, P.S.
Madhupur, District- Sepahijala, Tripura, PIN-
799100

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

- V e r s u s -

The State of Tripura

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

For the petitioner (s) : Mr. T.K. Bhattacharya, Adv.
Mr. A.K. Pal, Adv.

For the Respondent (S) : Mr. R. Data, P.P.

Whether fit for reporting :

Yes	No
	✓

HON'BLE MR. JUSTICE S. DATTA PURKAYASTHA

ORDER

27.04.2026

Heard learned counsel of both sides.

[2] This application praying for bail on behalf of the accused, Sri Surajit Debbarma, is filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, (in short, BNSS) 2023 in connection with Amtali P.S. Case No.2025 AMT 126 dated 09.12.2025 registered under Sections 281/125(b) of BNS, 2023 and under Section 184 of the MV Act along with Sections 20(b) (ii) (c)/25/29 of the NDPS Act, 1985.

[3] The allegation in the FIR as lodged by S.I. Hirendra Debbarma that on 09.12.2025 while discharging the duty of vehicle checking at Bank Chowmuhani, near ONGC, he saw a white colour Maruti Suzuki S-Presso bearing registration No.TR-01-BW-0515 coming in a very high speed rash and negligently. Then he gave signal to that vehicle to stop but that vehicle fled away from the spot and ultimately after chasing it, the same was detained at Chowmuhani Bazar area. The driver was found alone in the vehicle and on search, he recovered total 94 Kgs. of suspected dry ganjas which were kept in the rear seat and also in the boot (dicky) space of the vehicle. The driver, namely, Sri Akash Barman was accordingly detained.

[4] It is admitted by both sides that the present accused is the registered owner of the said vehicle who was arrested on 05.01.2026.

[5] Learned counsel appearing for the accused petitioner strenuously argues that the accused is completely innocent and actually said Akash Barman took the vehicle from him on hiring basis on 01.11.2025 and ultimately, on 09.12.2025 he was detained with alleged contraband items and according to learned counsel, the present accused had no knowledge of the fact of carrying such contraband items by said Akash Barman and he is completely innocent. He is by profession a farmer and has also a rubber garden. Learned counsel further submits that since 06.01.2026 the accused is in custody and therefore, the bail may be granted to him on any condition.

[6] Mr. R. Datta, learned PP appearing for the State strongly opposes the prayer submitting that certain materials are available in the CD against the accused person and that the seized vehicle is a private [non-commercial] vehicle. Therefore, the questing of giving it on rental to somebody else does

not arise. Moreover, no document is also submitted to show that the said vehicle was hired by Sri Akash Barman on 01.11.2025 i.e. for more than one month it was in the custody of Akash Barman. Learned P.P further refers to the CDR and SDR of phone numbers of Sri Akash Barman which shows that there were constant telephonic communications between Akash Barman and present accused through the mobile phone of the present accused.

[7] Learned PP also refers to the decision of the Hon'ble Supreme Court in the case of **Bishwajit Dey vs. State of Assam, (2025) 3 SCC 241** wherein at paragraph No.33, it is observed by the Hon'ble Supreme Court that the scenarios where the owner of the vehicle is the person from whom the possession of contraband drugs/substance is recovered or the same is recovered from the possession of the agent of the owner i.e. like driver or cleaner hired by the owner. In those scenarios, the owner of the vehicle and/or his agent would necessarily be arrayed as an accused.

[8] In reply, Mr. A.K. Paul, learned counsel submits that the present accused has no personal mobile phone.

[9] This court has appreciated the submissions of both sides.

[10] There are materials in the CD that said Akash Barman is the engaged driver of the present accused and there were several telephonic communications between the present accused and said Akash Barman during the alleged period. As per Airtel KYC, the phone number of the present accused is 9612089045 and as per interrogation report, the phone number of driver is 8798923312.

[11] From the CDR, prima-facie it appears that on 08.12.2025 and 09.12.2025 there were several telephonic communications between the two numbers and even prior to that also there were several communications between these two numbers from the date 01.12.2025. No document is produced in support of the claim of the accused petitioner that said Akash Barman had taken his vehicle on hiring basis rather contra materials are available in the CD that said Akash Barman is his regular driver of said vehicle under the present accused.

[12] As per law laid down in the case of **Bishwajit Dey** (supra) owner is also liable to be arrayed as an accused in the case. The quantity of contraband items as recovered is of commercial nature and the twin conditions as imposed in Section 37 of the NDPS Act is also not met up in this case.

Considering thus, the bail prayer is rejected.

With such observations and directions, this bail application is disposed of.

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

Reconsign the lower Courts records.

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

Communicate a copy of this order to the learned Special Judge, NDPS, West Tripura, Agartala.

JUDGE