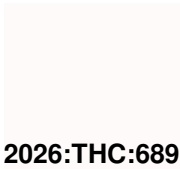




TRHC010007182026



2026:THC:689

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

B.A. No.86 of 2026

Shri Vivekananda Mehta,
son of Laxmi Narayan Singh, resident of
Saidpur, Khagaria, PIN-7851214

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

On behalf of:

Shri Shyam Kumar Singh,
son of late Dukha Singh, resident of
Saidpur, P.S. Mansi, District- Khagaria,
Bihar, PIN-851214

..... **Accused person(s)**

- V e r s u s -

The State of Tripura

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

For the petitioner(s)	:	Mr. S. Lodh, Adv.				
For the respondent(s)	:	Mr. R. Datta, P.P.				
Date of hearing	:	14.05.2026				
Date of delivery of judgment and order	:	21.05.2026				
Whether fit for reporting	:	<table><tr><td>Yes</td><td>No</td></tr><tr><td></td><td>✓</td></tr></table>	Yes	No		✓
Yes	No					
	✓					

HON'BLE MR. JUSTICE S. DATTA PURKAYASTHA
JUDGMENT & ORDER

This application praying for bail of the accused, Shri Shyam Kumar Singh, is filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, (in short, BNSS) 2023 in connection with East Agartala P.S. Case No.2025 EAG 121 dated 01.11.2025 subsequently renumbered as Special (NDPS) 79 of 2026 pending in the learned court of the Special Judge, Court No.1, West Tripura, Agartala.

[2] Heard Mr. S. Lodh, learned counsel appearing for the accused petitioner. Also heard Mr. R. Datta, learned Public Prosecutor, appearing for respondent-State.

[3] The prosecution case is that based on the secret information, the informant, S.I, Sri Narayan Deb, raided the shop of one Diptanu Saha on 01.11.2025 and recovered 180 Nos. small plastic container containing suspected heroin and 22 Nos. of bottles of Eskuf syrup each containing 100 ml. each. The said person was arrested thereafter and a case was accordingly registered under Sections 21(a)(c)/25/27A/29 of the NDPS Act, 1985 and ultimately, the police on conclusion of the investigation, has laid the charge-sheet under Sections 21(c)/22(a)/25/27A/29 of the NDPS Act, 1985 against Diptanu Saha, Hridoy Das, Tapan Banik, Krishna Biswas, Samar Gowala, Ratnadip Dey @ Chand, Nazir Hossain and the present accused, Shri Shyam Kumar Singh.

[4] Mr. S. Lodh, learned counsel seeking bail for the accused argues mainly on two points. Firstly, according to learned counsel, the ground of arrest was not duly communicated to the accused. Learned counsel also submits that though the ground of arrest was written in Hindi language but English alphabets were used and therefore, the accused person not being acquainted with the English language, could not understand the contents of the same which is in violation of the decision of the Hon'ble Supreme Court in the case of **Mihir Rajesh Shah vs. the State Of Maharashtra, (2026) 1 SCC 500.**

[5] The next point of argument of Mr. Lodh, learned counsel is that only three witnesses were examined by investigating officer to implicate the present accused in this case, who are Bipul Debnath, Bijoy Debnath and Suman Das and none of them have stated anything incriminating against the present accused involving him with the present case of recovery of such item from the shop of Diptanu Saha, except a general statement that he is also involved in such drug trafficking with other miscreants. Learned counsel submits that the rigour of Section 37 of the NDPS Act is not applicable in case of present accused for want of materials against them. Mr. Lodh, learned counsel refers to the relevant portion of the charge-sheet to show that some other persons also, according to the investigating officer, were involved in the case but they have not been charge-sheeted and they are Dipjoy Paul, Rakib Miah and Latif Miah and in the charge-sheet it is mentioned that some of the accused persons divulged the name of the present petitioner during interrogation by the police though the same does not carry any evidential value in view of the law laid down by the Hon'ble Supreme Court in the case in **P. Krishna Mohan Reddy vs. the State of Andhra Pradesh, 2025 SCC OnLine 1157**. Mr. Lodh, learned counsel, therefore, prays for bail of the accused person on any condition.

[6] Mr. R. Datta, learned PP appearing for the State seriously opposes the prayer referring to the statements of witness, Sri Suman Das. Learned P.P. submits that the said witness has categorically stated that the present accused person is involved in such drug trafficking with said Diptanu Saha and therefore, he is involved in the present case in hand and

moreover, he is a man from Bihar and therefore, if he is released on bail, it will be hard for the trial Court to procure his attendance.

[7] This Court has considered the submissions of both sides and also gone through the materials placed in the case diary. It appears that the case was originated on the basis of the FIR that on raid, the informant S.I. Narayan Deb recovered total 2.30 grams heroin and 22 numbers of bottles of Eskuf syrup from the shop of one Diptanu Saha. He was accordingly arrested.

[8] As per the statements of witness Rubel Miah, the persons namely, Krishna Biswas, Hridoy Das, Ratnadip Dey @ Chand and Nandu Saha were known to him. He also stated that he found one Hridoy Das on 26.10.2025 in the evening who handed over a bag containing some goods in the shop of said Diptanu Saha. On asking, by said witness, Hridoy Das replied that those goods were of Diptanu Saha. He then could understand that they were involved in some illegal activities. He further stated that in such illegal drug trafficking said Ratnadip Dey and Rajib Roy would assist said Diptanu Saha financially and then would distribute the profits amongst them.

[9] Another witness, namely Sri Suman Das has stated that some other persons, namely Najir Hossain @ Hridoy, Latif Miah, Rakib Miah, Joydip Paul, Subhash Paul along with some others persons are involved in drug dealing in Chandrapur area for a long period and they have connectivity with Ratnadip Dey @ Chand, Diptanu Saha and others. Despite the local club resisted them, still they are not abstaining themselves from said business. After arrest of Ratnadip Dey, said Joydip

Paul, Subhash Paul, Najir Hossain @ Hridoy, Latif Miah and Rakib Miah are continuing with said drug business with more vigour and recently, one person namely, Shyam Kumar Singh, the present accused petitioner of Bihar has also engaged himself in such drug dealing with them and said Shyam Kumar Singh collecting those contraband items from other states and he has the relation with different drug dealers of the State.

[10] Two SPO's namely Sri Bipul Debnath and Sri Bijoy Debnath, are also examined by the investigating officer, who have stated that on 28.11.2025 they had a secret information that said Najir Hossain @ Hridoy and his associates would be coming from Silchar to Agartala by train. Then in Aralia area they set in ambush. At around 9 pm, they found that Najir Hossain and other 4/5 persons were coming with a scooty and with one Enfield motorcycle. The police tried to intercept them. Then said Enfield motor cycle fled away. They detained the said scooty along with Najir Hossain @ Hridoy and Shyam Kumar Singh and thereafter, said scooty was seized. In his statement, Bipul Debnath alone asserted that, on interrogation, Najir Hossain admitted that he and Shyam Kumar Singh were involved in illegal drug trafficking with Ratanadip Dey.

[11] These are the total materials against the present accused petitioner. The investigation prima-facie did not reveal how he is associated with recovery of those contraband items which were allegedly recovered from the possession of said Diptanu Saha. Nothing has been recovered from the present accused also and the assertion that Bijoy Debnath, one of the SPO's, also did not corroborate with SPO, Bipul Debnath that on interrogation, Najir Hossain admitted involvement of the

present accused petitioner. There is also nothing in the records that the present accused is involved in any other cases. Even the statements of the witnesses that they had the information that said Najir Hossain was brining some contraband items from Silchar to Agartala with his associates, is taken into consideration still the allegation for recovery of contraband items from the shop of Diptanu Saha appears to have taken place much before it.

[12] Considering thus, it appears to this Court that the rigour of Section 37 of the NDPS Act is mitigated in this case for non-existence of any materials against the present accused in connection with recovery of the alleged contraband items or his connectivity in this regard with said Diptanu Saha. Investigation is also completed in this case and for a considerable period, the accused is in custody.

[13] Considering all these aspects, the bail prayer of the accused person, namely Sri Shyam Kumar Singh is allowed. He may go on bail on furnishing a bond of Rs.1,00,000/- [Rupees One lakh] only along with one surety of the like amount to the satisfaction of the learned Special Judge, Court No.1, West Tripura, Agartala on conditions that:

- (i) the surety must be a permanent resident of Tripura;
- (ii) he will not leave the State of Tripura without prior permission of the learned Special Judge, Court No.1, West Tripura, Agartala and such permission can be accorded by the learned Special Judge only on any special ground;
- (iii) he will provide both to the learned Special Judge and O.C, East Agartala Police Station, his present place of residence along with his mobile phone number, if any, within 7[seven] days of his release and

he shall not change his mobile phone number and shall not hand over it to any other person, till the trial is complete. He will keep his mobile phone functional too.

(iv) he will regularly attend the Court to face the trial;

(v) He will also record his attendance before the learned Special Judge, Court No.1, West Tripura, Agartala once in fortnight till the trial is complete or till the condition is relaxed by the learned Special Judge.

(vi) he will not, directly or indirectly, try to make any contact with any of the witnesses of the case for the purpose of influencing or terrorizing him/them;

(vii) he will not involve himself in any sort of unlawful activities which are prohibited under NDPS Act; and

(viii) violation of any of the above said condition(s) by him, will be a good ground for cancellation of his bail.

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

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