



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

**B.A. No.87 of 2026
B.A. No.101 of 2026**

In B.A. No.87 of 2026

Abu Sadek

S/o Chayad Ali, resident of Kalapania, Rabindra
Nagar, Kathalia, Sonamura, District-Sepahijala,
Tripura

..... Petitioner(s)

On behalf of accused:

1. **Joyal Hossain,**
son of Jahangir Hossain, resident of Rangamati,
P.S. Sonamura, District- Sepahijala, Tripura
2. **Suhel Hossain,**
son of Jahangir Hossain, resident of Rangamati,
P.S. Sonamura, District- Sepahijala, Tripura
3. **Smt. Jayaful Nechha,**
wife of Jahangir Hossain, resident of Rangamati,
P.S. Sonamura, District- Sepahijala, Tripura
4. **Smt. Hashi Aktar,**
wife of Suhel Hossain, resident of Rangamati,
P.S. Sonamura, District- Sepahijala, Tripura
5. **Jahangir Hossain,**
resident of Rangamati, P.S. Sonamura, District-
Sepahijala, Tripura
6. **Akter Hossain,**
resident of Sonamura, District- Sepahijala,
Tripura
7. **Smt. Hachina Khatun,**
resident of Sonamura, District- Sepahijala,
Tripura

..... Accused Petitioner(s)

By Advocate:

Mr. S. Deb, Sr. Advocate
Mr. J. Samed, Adv.
Ms. A. Chakraborty, Adv

- V e r s u s -

The State of Tripura

..... Respondent(s)

By Advocate:
Mr. R. Datta

In B.A. No.101 of 2026

Ayrin Sultana
wife of Ekbal Ahammed, resident of Majumder
Para, Madhuban, P.S. Sonamura, District-
Sepahijala, Tripura, PIN-799131

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

By Advocate:
Mr. J. Bhattacharjee
Mr. S. Sharma

On behalf of accused :

Ekbal Ahammed,
son of Abdul Rajak, resident of Madhuban, Ward
No.03, P.S. Sonamura, District- Sepahijala,
Tripura

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

By Advocate:
Mr. R. Datta

HON'BLE MR. JUSTICE S. DATTA PURKAYASTHA

ORDER

All the accused petitioners have sought for bail in connection with Sonamura P.S. Case No.05 of 2025 registered under Sections 21(C)/25/27-A/29 of the NDPS Act, 1985. Amongst them, the accused, Jahangir Hossain is not the FIR named accused.

[2] According to the police, S.I. Subhankar Debbarma of Sonamura Police Station on the basis of secret information raided the room No.208 of Hotel, namely, Gomati Hotel at Sonamura at around 2120 hours on

24.01.2026 and recovered 147 numbers bottles of ESkuf syrup from one trolley bag of one boarder, namely Md. Tahhidul. Inside the said room, during raid, the accused Md. Tahidul, Eqbal Ahmed, Jahad Miah and Jahid Hassan Khan were found. According to the police, before going to Gomati Hotel they had the secret information that accused (i) Md. Tahidul, (ii) Eqbal Ahmmed, (iii) Jahad Miah, (iv) Jahid Hassan Khan, (v) Joyal Hossain, (vi) Suhel Hossain, (vii) Smt. Jayaful Nechha and (viii) Smt. Hashi Aktar had stored contraband items in the said Gomati Hotel with contraband items. The Sl. No.(i) to (iv) were available at the said hotel with contraband items and rest three persons were available in their house. The police arrested Sl. No.(i) to (iv) along with the contraband items. After recovery of said contraband items, the police thereafter, proceeded to the police station and on the way, conducted a search in the house of Jahangir Hossain and arrested his two sons namely, Joyal Hossain and Suhel Hossain, his wife Smt. Jayaful Nechha and the wife of his son, Smt. Hashi Aktar and on search, they recovered Rs.1,63,310/- from the said house but no contraband items were recovered therefrom. The time of arrest of Hashi Aktar and Jayaful Nechha along with other accused persons is shown as 0915 hours (9.15 am) on 25.01.2026. The time of arrest of Aktar Hossain and Ms. Hachina Khatuan is shown as 1555 hours on 14.02.2026. Aktar Hossain is the brother of Jahangir Hossain and Ms. Hachina Khatuan is the another wife of Jahangir Hossain. Jahangir Hossain was arrested on 30.01.2026.

[3] Mr. Deb, learned counsel appearing for the accused petitioners of B.A. No.87 of 2026, argues that completely in a vindictive manner all the family members of Jahangir Hossain are arrested by the police implicating

them falsely in this case. Even, when Jahangir Hossain went to meet his wife in jail, he was arrested therefrom subsequently. Learned senior counsel also submits that in gross violation of Section 43(5) of the BNSS, the female accused persons were arrested and said accused, Smt. Hashi Aktar is carrying pregnancy now and she requires special attention. Learned senior counsel also raises his grievances regarding violation of Section 42 of the NDPS Act at the time of initial raid at the hotel.

[4] Mr. J. Bhattacharjee, learned counsel appearing for the accused petitioner in B.A. No.101 of 2026, submits that the accused Eqbal Ahmed is the manager of said Gomati Hotel and said Md. Tahidul booked the hotel room No.208 of Gomati Hotel and after inquiry of all necessary documents of identification of the boarders, the Manager simply allowed them to stay in the room but without any basis he has been arrested in connection with this case though he was in no way involved in any such drug racketeering.

[5] Both the learned counsel appearing for the accused persons also raise the issue of improper communication of ground of arrest.

[6] Mr. Deb, learned senior counsel relies on a decision of this Court in the case of **Khalek Miah vs. State of Tripura** in **B.A. No.18 of 2016**, decided on 19.02.2016, wherein noticing violation of Section 42 of the NDPS Act bail was granted to some accused persons.

[7] Mr. Deb, learned senior counsel also relies on another decision of this Court in the case of **Anita Nama vs. the State of Tripura**, in **W.P.(Crl.) 04 of 2025**, decided on 08.07.2025, wherein this Court held that

grounds of arrest must be provided to the arrested person in such a manner that sufficient knowledge of the basic facts constituting the grounds of arrest is imparted and communicated to the arrested person effectively in the language which he understands.

[8] Learned P.P. referring to the case diary raises serious objection regarding the prayers of bail of the accused persons. According to him, there are sufficient materials available against all the accused persons in the case diary.

[9] On perusal of the case diary, it appears that the ground of arrest was duly communicated to the arrested accused persons. Therefore, said challenge is not required to be discussed further.

[10] In the FIR, it is categorically stated that a secret information was written down under GD Entry No.34 of 2026 dated 24.01.2026 and the matter was informed to S.P(CS) and to the SDPO, Sonamura who instructed them to take action as per law which was also entered in GD Entry No.35 dated 24.01.2026. While raiding the said hotel, O/C of Sonamura police station, namely, Inspector Tapas Das also joined the raiding team who is not only a gazetted officer but also the superior officer of the informant. Therefore, the case comes within the purview of Section 41(2) of the NDPS Act too. There are prima-facie materials that during raid, the police found Md. Tahidul, Eqbal Ahmmed, Jahad Miah and Jahid Hassan Khan in the said hotel room and thereafter, they recovered said contraband items from the trolley bag. There are also prima-facie materials that Jahangir Hossain and his entire family members engaged in drug trafficking and said Jahangir Hossain was also in judicial custody for about 7

months in connection with another case under NDPS Act. The local witnesses stated that they had also asked them to stop such drug trafficking of contraband items but without paying any heed to their requests, they continued to do so and even they abused those neighbours. There are also materials against the accused person of B.A. No.101 of 2026 that despite the owner of the hotel asked him not to allow said accused, Md. Tahidul to stay in the said hotel as he was dealing with illegal drugs with other accused but defying the said instruction, he would allow him to stay in the said hotel and even he would allow him in the said hotel room temporary for 5/6 hours showing the booking in the name of some other persons to earn excess money. As it appears, the hotel room was booked in the name of Md. Tahidul alone, but there is no explanation as to what the other arrested persons were doing there. Purpose of visit of Md. Tahidul is also not indicated in the register. Therefore, at this stage it cannot be treated as a case of simple 'Hotel Manager and Boarder relationship', as was submitted by Mr. Bhattacharjee, learned counsel.

[11] Considering all these aspects, at this stage, it cannot be held that the accused persons are falsely implicated in this case or that they are not guilty of the alleged offence to satisfy the twin conditions of Section 37 of NDPS Act. Therefore, their bail prayers cannot be allowed and hence, same are rejected.

[12] However, it appears that the house of Jahangir Hossain was raided by the police authority in the night and despite having specific information before such raid that the female accused persons, namely Smt. Hashi Aktar and Smt. Jayaful Nechha were involved in such drug trafficking,

no step for compliance of Section 43(5) of BNSS was taken by the police. As per GD Entry No.05 dated 25.01.2026, the O/C of Sonamura Police Station with other police officials returned to the Police Station at 07.57 hours on that day. Therefore, there is strong suspicion that the police authority detained the female accused persons in the night and an artificial time has been shown regarding their arrest. It is also noticed by this Court that in some other cases also, Sonamura Police Station officials raided the houses of accused persons in the midnight and arrested the female accused persons in violation of Section 43(5) of BNSS. The Superintendent of Police, Sepahijala is, therefore, directed to cause inquiry in this regard regarding alleged violation of Section 43(5) of the BNSS. If deliberate violation of Section 43(5) is found, necessary departmental action shall be initiated against the concerned officer(s). It is submitted at the bar that the distance of Sonamura Police Station, the Sonamura Court building and the residence of Judicial Officers are within close vicinity and therefore, compliance of Section 43(5) of BNSS is not all inconvenient for them.

A copy of this order be sent to Superintendent of Police, Sepahijala District.

Reconsign the trial Court records with a copy of this order.

Return the C.D forthwith with a copy of this order.

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

JUDGE