



**HIGH COURT OF TRIPURA  
AGARTALA**

**BA No.90 of 2026**

**Lalita Kolai,**

W/O- Prasanta Debbarma, resident of Ram Chandra Paru, ICDS Centre, Purba Manikya Dewan, VTC, Purba Manikya Dewan, District South Tripura, Tripura - 799104.

(The accused persons being lodged in judicial custody, the present petition is preferred and presented by the mother of accused person no. 1, named above)

.....Petitioner(s);

For and on behalf of

**1. Jesmin Debbarma,**

D/O- Late Prashanta Debbarma, resident of Kalai Para, Bairagi Dukan, Natun Bazar, District - Gomati, Tripura.

**2. Abi Debbarma,**

D/O Sri Bishu Debbarma, resident of Brajabashi Para, PO- Champak Nagar, PS-Jirania, District - West Tripura.

**3. Rani Debbarma,**

D/O-Lt. Bamon Chandra Debbarma, resident of Kasangkha Para, PO + PS -Mandhai, District - West Tripura.

**4. Eva Debbarma,**

D/o Libha Jamatia, resident of Kasangkha Para, PO + PS - Mandhai, District West Tripura.

..... Accused person;

**V E R S U S**

**The State of Tripura**

.....Respondent(s);

For Petitioner(s) : Mr. D. Bhattacharya, Advocate,  
Mr. Agniva Chakrabarti, Advocate,  
Mr. Samar Das, Advocate,  
Mr. Mijanur Rahaman, Advocate.

For Respondent(s) : Mr. Raju Datta, Public Prosecutor.

**HON'BLE MR. JUSTICE S. DATTA PURKAYASTHA**

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**13/05/2026**

Heard learned counsel of both sides.

**[2]** The bail petition has been filed seeking bail of Jesmin Debbarma, Abi Debbarma, Rani Debbarma, and Eva Debbarma, in

connection with Agartala GRPS case No. 006 of 2026, subsequently registered as Special (NDPS) 88 of 2026 under Sections 20(b)(ii)(C), 29 of NDPS Act, pending in the Court of learned Special Judge (NDPS), Court No.1, West Tripura Judicial District, Agartala. The accused persons were arrested on 15.01.2026 and since then they are in custody.

**[3]** Allegation in the FIR lodged by the ASI of police Goutam Paul is that on 15.01.2026 they found above said 04(four) persons were loitering in Agartala Railway Station with trolley bags in their hand and on suspicion they were detained and finally recovered suspected ganja from said trolley bags. As per the FIR the followings were recovered from the accused persons:

(i) total 10.950 kg suspected ganja was recovered from Jesmin Debbarma;

(ii) total 18.020 kg suspected ganja was recovered from Abi Debbarma;

(iii) total 11.400 kg suspected ganja was recovered from Rani Debbarma;

(iv) total 6.220 kg suspected ganja was recovered from Eva Debbarma;

**[4]** After registration of FIR, the police investigated the case and finally laid the charge-sheet under Sections 20(b)(ii)(C), 29 of NDPS Act.

**[5]** Learned senior counsel, Mr. D. Bhattacharya, argues that intermediate quantity of contraband items were recovered from each of the accused persons and for about 118 days they are in custody. According to learned senior counsel, the investigation is already complete and the accused persons have their permanent home and hearth within the State of Tripura itself and there is no chance of their abscondence. Thus, learned senior counsel has prayed for bail of the accused persons on any condition.

**[6]** Learned Public Prosecutor, Mr. R. Datta, however, opposes the bail prayer submitting that all the accused persons were charge-sheeted under Section 29 of the NDPS Act and more so, if the aggregate of all the contraband items are taken into consideration, it comes to commercial quantity of contraband items. Therefore, in such a situation unless the twin conditions as embodied in Section 37 of the NDPS Act are fulfilled, bail cannot be granted. Learned Public Prosecutor in this regard also refers the statement of Sri Pratap Das to show application of Section 29 of the NDPS Act. The said witness stated to the investigating officer that on preliminary investigation by police, all the accused persons told that they were known to each other and they were involved in such trafficking of ganja together and altogether they have purchased total 46 kg of ganja and then divided those items in different trolley bags. Learned Public Prosecutor further submits that similar statements are given by other witnesses also.

Therefore, prima facie materials are there to attract Section 29 of the NDPS Act.

[7] This Court has considered the submissions of both the sides. The Court has also appreciated the materials placed by the investigating officer in the charge-sheet. So far the quantity of alleged recovered contraband items are concerned, it appears that intermediate quantity of such narcotic items were allegedly recovered from each of the accused persons though the aggregate of the same may be of commercial quantity.

[8] Now, to examine the applicability of Section 29 of NDPS Act, the materials as placed by the prosecution are only the statements of the accused persons which were made to the police officer during their detention which were heard by the independent witnesses.

[9] Learned senior counsel, Mr. D. Bhattacharya, in this regard relies on a decision of this Court in case of **Sri Dilip Kumar Sahani on behalf of Smt. Rupa Devi versus the State of Tripura [B.A. No.107 of 2025]** decided on 11.12.2025 along with some other bail applications, wherein similarly one police officer detained five passengers with their luggages who got down from one passenger vehicle to go to Teliamura Railway Station and finally recovered intermediate quantity of ganja from each of them though aggregate of the total recovered ganja was of commercial quantity. Finally, this Court relying on a decision of Hon'ble Supreme Court in case of **Amarsingh Ramjibhai Barot vs. State**

**of Gujarat; (2005) 7 SCC 550** observed that prima facie there was no satisfactory material to attract Section 29 of NDPS Act, and ultimately the bail was granted to those accused persons.

**[10]** Court has taken note of said decision of this Court as already discussed above, prima facie, satisfactory materials are not found to attract Section 29 of NDPS Act to treat it a case of commercial quantity of contraband items at this stage of hearing the bail application for limited purpose. All the accused persons are female having their permanent residence within the State of Tripura and for a considerable period they are in custody. The investigating officer has also completed the investigation meanwhile. Considering all these aspects, the bail prayer is allowed. It is ordered that the accused persons may go on bail on furnishing a bond of Rs.1,00,000/- [Rupees one lakh] only with one surety each of the like amount to the satisfaction of the learned Special Judge (NDPS), Court No.1, West Tripura Judicial District, Agartala, immediately with the following conditions that:

- (a) the surety should be a resident of Tripura;
- (b) the accused persons shall not leave the State of Tripura without prior permission of the learned Special Judge and such permission can be accorded only on special ground;
- (c) they will provide their cellphone number, if any, to the learned Special Judge, along with their bail bonds and will not change or handover the SIM-card to anybody else till the trial is complete;
- (d) they will give their attendance once in fortnight before the learned Special Judge, West Tripura Judicial District, Agartala

till trial is completed or the condition is relaxed by learned Special Judge;

(e) they will not try to influence or terrorize directly or indirectly any of the witnesses of the case;

(f) they will regularly attend the Court to face trial;

In case of violation of any of the above said conditions, learned Special Judge will be at liberty to cancel the bail following the due procedure of law.

It is also clarified that the observations whatsoever are made hereinabove, are made only for very limited purpose to examine the merit of the bail application and same will have no bearing during framing of charge and trial of the case.

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

Send a copy of this order immediately to learned Special Judge (NDPS), West Tripura Judicial District, Agartala.

Re-consign the case diary to learned Public Prosecutor with copy of this order.

Return the Trial Court record.

Interim order, if any, stands vacated.

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

**JUDGE**