

HIGH COURT OF TRIPURA
AGARTALA
B.A. No.96 of 2026

Shahena Begam (28),
W/o Abdul Rahaman, resident of Rajdharnagar, Jampuri, Kakraban, Udaipur,
PS Kakraban, District Gomati, Tripura, Pin 799116.
..... **Petitioner(s)**

On behalf of accused person in custody
Abdul Rahaman (37),
S/o Mati Miah, resident of Rajdharnagar, Jampuri, Kakraban, Udaipur, PS
Kakraban, District Gomati, Tripura, Pin 799116.
..... **Accused Person**

- Versus -

Union of India,
Represented by Directorate of Revenue Intelligence, Agartala Regional Unit,
Ministry of Finance, under Ministry of Finance, Department of Revenue, Govt.
of India.
.....**Respondent(s)**

For the Petitioner/Accused Person(s) : Mr. Siraj Ali, Advocate.
Mr. Tushar Ali, Advocate.
For the Respondent(s) : Mr. Koushik Datta, Spl. P.P.
Date of hearing : **25th May, 2026.**
Date of delivery of Judgment & Order : **3rd June, 2026.**

Whether fit for reporting :

YES	NO
	√

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

Heard learned counsel of both sides.

[2] Applicant accused Abdul Rahaman has sought for bail in connection with case No.04/UCL/NDPS/DRI/AGT/2025-26 dated 16.07.2025. He was arrested on 05.01.2026. Said case was registered on the basis of allegations of the Directorate of Revenue Intelligence regarding recovery of 30 kg of yaba tablets containing Methamphetamine worth Rs.30,16,77,617/- from the driver's cabin of the vehicle No. TR 04D 1758. The contraband items,

according to the prosecution, were kept in a specially designed secret chamber within the said driver's cabin. Police arrested one Jakir Hussain, driver of said vehicle.

[3] Mr. Siraj Ali, learned counsel for the petitioner submits that just on the basis of call details of principal accused, Jakir Hussain, the present accused person has been arrested long after the recovery of alleged contraband items and also based on a monetary transaction of Rs.1,65,810/- between Jakir Hussain (principal accused) and the present accused Abdul Rahaman during the period of 01.01.2025 to 15.07.2025. Mr. Ali, learned counsel submits that accused Abdul Rahaman also has a vehicle through which he supplies stone chips and sometimes he engages Jakir Hussain as his driver for said vehicle and he pays money to said Jakir Hussain as his charges for driving the vehicle. Mr. Ali, learned counsel also submits that after receiving notice under Section 67 of the NDPS Act, the accused person appeared before the investigating officer but he was not arrested and on his appearance against second notice, he was suddenly arrested without any basis. According to learned counsel, no witness has stated anything against the present accused and for more than 140 days he is in custody. Mr. Ali, learned counsel also relies on the following decisions of the Hon'ble Apex Court and of some other Hon'ble High Courts which are reflected hereunder:

(i) Hanif Khan alias Annu Khan vs. Central Bureau of Narcotics through Inspector L.P. Jha, (2020) 16 SCC 709- The Apex Court observes that because there is a reverse burden of proof, the prosecution shall be put to a stricter test for compliance with statutory provisions and if at any stage, the accused is able to create a reasonable doubt, to rebut the presumption of his guilt, benefit will have to go to him.

(ii) Ahmed Hussain vs. the State of Tripura (BA No.43 of 2026 decided on 16.03.2026)- In this case, a Coordinate Bench of this Court granted bail to one accused relating to offence of the NDPS. In said case, no direct incriminating evidence was found against the accused except the statement of co-accused and CDR analysis.

(iii) *Shyam Gupta and others vs. State (Crl. Rev. P. 421 of 2019 decided on 13.03.2023)*- In said case, the Delhi High Court after appreciating materials of that case observes that the only evidence against petitioner No. 3 of that case was the CDR, which might create a suspicion but not a grave suspicion. If someone examines the CDR sans disclosure statement then there is nothing on record to link the said calls to the recovery in question.

(iv) *Parveen @ Sonu vs. State of Haryana, 2021 SCC OnLine SC 1184-* The Hon'ble Supreme Court held that to prove the charge of conspiracy, within the ambit of Section 120-B, it is necessary to establish that there was an agreement between the parties for doing an unlawful act.

(v) *Amarsingh Ramjibhai Barot vs. State of Gujarat, 2005 Legal Eagle (SC) 737-* The Apex Court held while appreciating the fact of that case that the appellant and Danabhai Virabhai Rabari (co-accused) were found together, but individually carrying the recovered substances and therefore, it was not possible to take the view that Section 29 was attracted.

(vi) *Kachrual vs. Union of India (Misc. Criminal Case No.38010 of 2024 decided on 30.09.2024)*- The Madhya Pradesh High Court in that case observes that the implication of the applicant was primarily on the basis of memorandum of co-accused recorded under Section 27 of the Evidence Act. No recovery was made from the applicant and he was not present on the spot at the time of recovery. Whats app chats also did not conclusively point to the involvement of the applicant and there was no legally admissible evidence against the applicant. Therefore, it was held by the High Court that the bar under Section 37 of the NDPS Act was not attracted.

(vii) *Smt. Ruma Deb Kar vs. the State of Tripura (BA No.98 of 2026 decided on 18.05.2026)*- In this case, this Court referred to another decision of this High Court in the case of ***Rupam Debbarma on behalf of Sri Atul Debbarma vs. the State of Tripura (BA No.10 of 2026 decided on 09.03.2026)*** wherein the Court held that whenever any amount is directly or indirectly funded by a person in carrying out any of the activities as mentioned in section 2(viii-b) of the NDPS Act by some other person, such funding is treated as financing and it comes within the sweep of Section 27A of the Act.

[4] Mr. Koushik Datta, learned Spl. P.P. for the respondent Union of India submits that the implication of the present accused is established through the evidence of one Debasish Paul and the tower location of the mobile phone also suggests that the accused person was present near the vehicle or its adjoining area when the contraband items were seized from the vehicle, though his house is situated at Jamjuri, Kakraban which is far away from the said place of occurrence and no explanation is also coming out from him as to why he was present near the said vehicle at the time of such raid. Moreover, during the interrogation, he falsely stated that at the relevant time he was at his residence at Udaipur. Mr. Datta, learned Spl. P.P. also submits that the antecedent of the present accused is bad. His vehicle was earlier seized in connection with one case under NDPS Act at Aizawl in April, 2025 carrying yaba tablets and he was also arrested by authorities of Churaibari police station in another case while driving another vehicle loaded with 232 kg of ganja which was numbered as Spl. (NDPS) 85 of 2023.

[5] Court has considered the submissions of learned counsel of the parties and has also perused the materials placed on record before the Court.

[6] From the statement of Debasish Paul, an employee of one transport agency namely, Shakti Roadlines of Meghalaya branch, it appears that Jakir Hussain was the driver of the involved vehicle who took the load of Goldstone cement from Meghalaya for its delivery at Uttar Champamura at Khayerpur at the relevant point of time. Said Debasish Paul was again examined by the investigating officer and then he stated that said Abdul Rahaman had enquired about vehicle No.NL 06A 6540. It is said by him that he had got the document of national permit of said alleged vehicle No. TR 04D 1758 from Abdul Rahaman via Whatsapp on 29.07.2025, though Abdul Rahaman was not the owner of the said vehicle rather one, Smt. Gopa Debnath Roy was the owner of the said vehicle and this witness did not have any conversation with said Gopa Debnath Roy. From his statement, it also appears that said driver Jakir Hussain has handed over the bank details of present accused Abdul Rahaman to the said transport agency for making payment to said account. Apart from the CDR analysis there are also strong, suspicious and incriminating materials against the present accused as indicated above and his antecedents are also bad. Therefore, the accused

cannot successfully overcome the twin test of Section 37 of the NDPS Act. The contraband items seized are of huge quantity worth Rs. Rs.30,16,77,617/. Considering all these materials, Court is not inclined to grant bail to the present accused and accordingly, the same is rejected.

The bail application is accordingly disposed of.

Re-consign the Trial Court record.

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

JUDGE

