



TRHC010008122026

HIGH COURT OF TRIPURA AGARTALA

BA No.97 of 2026

Akhi Aktar, W/O- Sadam Hussain, D/o- Abu Miah, aged about 30 years, resident of Srimantapur, Rabindra Nagar, Sobhanpur(Part), District- Sepahijala, Tripura- 799131, by profession -homemaker.

....**Applicant(s)**

On behalf of

Sadam Hussain, S/O-Abu Taher of Bulamura, Rangamati, P.S- Sonamura, Sepahijala, Tripura.

....**Accused Person**

Versus

The State of Tripura

Represented by Ld. PP, High Court of Tripura, Agartala.

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

For Applicant(s) : Mr.Agniva Chakraborty, Advocate.

For Respondent(s) : Mr.Raju Datta,PP.

Date of Hearing & : 18.05.2026.

Delivery of Judgment &
Order

Whether fit for reporting :

Yes	No
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HON'BLE MR. JUSTICE S. DATTA PURKAYASTHA

Judgment and Order (Oral)

Heard Ld. Counsel of both sides.

[2] The application has been filed under Section 483(1) of Bharatiya Nagarik Suraksha Sanhita (for short-BNSS) seeking bail of accused Sadam Hussain in connection with Amtali P.S case No.110 of 2023 registered under Sections 8(c) and 21(c) of the NDPS Act. Chargesheet is already submitted in this case and the case is now re-numbered as Special (NDPS) 9 of 2024 pending in the Court of Ld. Special Judge (NDPS), Court No.2, West Tripura, Agartala.



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[3] As per the FIR, on 16.07.2023 in the evening, on the basis of secret information, the Police authority gave signal to a vehicle bearing No.TR-01-D-2872 on Amtali-Khayerpur by-pass road to stop, but, said vehicle disobeyed the signal. Thereafter, Police chased it and ultimately, detained it on NH-8 road at Uttam Bakta Chowmuni (Thakur para). The driver fled away from the said vehicle and total 1564 bottles of Eskuf Cough Syrup were recovered from the said vehicle. The accused, allegedly being driver-cum-owner of the said vehicle, was arrested on 05.12.2023 and since then he is in custody.

[4] Ld. Counsel, Mr. Agniva Chakraborty submits that for more than 890 days, the accused is in custody and ground of arrest was not informed to him, rendering the arrest itself illegal. Therefore, Ld. Counsel, has prayed for bail on any condition.

[5] Ld. PP opposes the prayer, but, on asking by the Court, Ld. PP fairly submits that ground of arrest was not duly communicated to him except the Arrest Memo wherein ground of arrest was mentioned as 'Above noted reference'. What is meant by said 'Above noted reference' is not clear to the Court. In the said Arrest Memo, only the case number except the name and address of accused, and the address of the witness is mentioned. Thus it appears that ground of arrest was not at all communicated to him. In view of above position, there is no other alternative to grant bail to the accused for violation of Article 22(1) of the Constitution, though it is a case concerning commercial quantity of contraband items.

[6] In view of above, bail prayer is allowed.

Accused person, namely, Sadam Hussain may go on bail on furnishing bond of Rs.1,00,000/-(Rupees One lakh)only, with one surety of like amount to the satisfaction of Ld. Special Judge, Court No.2, West Tripura, Agartala with the condition that:

i) Surety must be a permanent resident of State of Tripura;



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ii) The accused will not leave the State of Tripura without prior permission of the Ld. Special Judge;

iii) He will not try to terrorize, influence or make any contact with any of the witnesses of the case either to influence or terrorize them;

iv) He will regularly attend the Court to face trial;

v) He will give his attendance once in a fortnight in the Court of Ld. Special Judge, Court No.2, West Tripura, Agartala till said condition is relaxed by the Ld. Special Judge.

vi) If there is violation of any of the above said conditions, Ld. Special Judge will be at liberty to cancel his bail.

[7] Send a copy of this order immediately to Ld. Special Judge, Court No.2 West Tripura, Agartala.

Return the CD to Ld. PP with copy of this order.

Also return the LC record.

The Bail Application is accordingly disposed of.

सत्यमेव जयते

JUDGE