



**HIGH COURT OF TRIPURA
AGARTALA**

BA No.98 of 2026

Smt. Ruma Deb Kar,
W/O- Uttam Lal Kar, resident of Natun Pally, Narsingarh, Agartala,
P.O. Bimangarh, P.S. Airport, District – West Tripura, Pin-799015.
(The accused person being lodged in judicial custody, the present petition is
preferred and presented by the wife of the accused person as named above)

.....Petitioner(s);

For and on behalf of

Shri Uttam Lal Kar,
S/o Lt. Kanu Lal Kar, resident of Natun Pally, Narsingarh, Agartala,
P.O. Bimangarh, P.S. Airport, District – West Tripura, Pin-799015.

..... Accused person;

V E R S U S

The State of Tripura

.....Respondent(s);

For Petitioner(s) : Mr. Sankar Lodh, Advocate.

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

HON’BLE MR. JUSTICE S. DATTA PURKAYASTHA
_O_R_D_E_R_

18/05/2026

Heard learned counsel of both sides.

[2] The prosecution case as surfaced through the charge sheet submitted in this case is that on 24.12.2025 based on a secret information the police authority raided the house of present accused petitioner Uttam Lal Kar and recovered 11.70 grams of heroin form the body of one person namely Sanjit Debnath who was found at that time present in that house. On further search total 38.10 grams of heroin was recovered from the kitchen of the present accused person and from his steel almirah cash of Rs.2,03,000/- was further recovered. Police accordingly registered

the case as Airport PS Case No.0076/2025 and on completion of the investigation laid the charge sheet under Sections 22(b)/29 of NDPS Act against Sanjit Debnath and under Sections 22(b)/25/27A/29 of NDPS Act against the present accused Uttam Lal Kar.

[3] The accused was arrested on 14.01.2026 during investigation stage and since then he is in custody.

[4] Mr. Sankar Lodh, learned counsel for the petitioner, submits that charges have not yet been framed in this case, but meanwhile, the accused is in custody for 126 days. Learned counsel also submits that the prayer for custody trial of the present accused, as was submitted by the investigating officer, was rejected by the learned Special Judge, Court No.3, West Tripura, Agartala, vide order dated 05.05.2026, but despite the same, learned Trial Court also rejected the bail prayer only with the observation that considering the gravity of offence as well as taking note of barring provisions of Section 37 of NDPS Act, the Court was not inclined to release the accused on bail.

[5] Learned counsel, Mr. Lodh, further submits that there are no materials placed in the record by the police authority regarding application of Section 27A of NDPS Act in this case against the present petitioner and just because Rs.2,03,000/- was recovered from his house the said provision of Section 27A was added in the case. Therefore, learned counsel has prayed for bail.

[6] Learned Public Prosecutor, Mr. R. Datta, however, opposes the bail prayer submitting that though it is a case concerning intermediate quantity of contraband items but the charge sheet has been submitted under Section 27A of NDPS Act too, and therefore, unless the twin conditions of Section 37 of the NDPS act are fulfilled, the bail cannot be granted.

[7] This Court has considered the submissions of both sides and also has gone through the record. Regarding applicability of Section 27, learned Public Prosecutor submits that apart from recovery of Rs.2,03,000/- from the house of the petitioner, one witness namely Bijan Das, Branch Manager, UCO Bank, Narsingarh Branch, is also examined by the investigating officer who has stated that during the period of one year with effect from 01.01.2025 to 31.12.2025, the total deposit in the account of the present accused was Rs.42,35,256/- and the total amount of withdrawal therefrom was Rs.40,20,930/-. Therefore, according to the learned Public Prosecutor, the accused was investing huge amount in the said drug trafficking, and thus, Section 27A of the NDPS Act is applicable in this case.

[8] In reply thereto learned counsel, Mr. Sankar Lodh, relies on a decision of this Court in case of **Smt. Rupam Debbarma on behalf of Sri Atul Debbarma versus the State of Tripura [B.A. No.10/2026]** decided on 09.03.2026 wherein it was 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 (emphasis laid), such funding is treated as financing and then it comes within the sweep of Section 27A of the Act and if any such activity is performed or accomplished by a person by his own investment, generally it does not attract Section 27A of the Act.

[9] No doubt, in this case, the transaction made by the present accused in his account is of huge amount which may create certain suspicion against him but mere recovery of some amount from his house or huge amount of transaction through his bank account itself are not prima facie sufficient to attract Section 27A of the Act as discussed hereinabove. Except Section 27A of NDPS Act, there is no other provisions leveled against the accused to attract the rigour of Section 37 of NDPS Act. In this case, the accused person is a permanent resident of West Tripura District and for a considerable period he is in custody. There is nothing that he is also involved in some other cases. Considering all these aspects, the bail prayer is allowed. It is ordered that the accused person may go on bail on furnishing a bond of Rs.1,00,000/- [Rupees one lakh] only with one surety of the like amount to the satisfaction of the learned Special Judge Court No.3, West Tripura, Agartala, immediately with the following conditions that:

(a) the surety should be a resident of Tripura;

(b) the accused person shall not leave the State of Tripura without prior permission of the learned Special Judge, West Tripura, Agartala and such permission can be accorded only on special ground;

(c) the accused person will give his attendance once in fortnight in the Court of learned Special Judge, West Tripura, Agartala till the trial is complete or the condition is relaxed by learned Special Judge;

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

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

(f) he will provide his cellphone number, if any, to both the learned Special Judge and O/c of Airport P.S. and will not change or handover the SIM-card to anybody else and will keep the SIM active till the trial is complete;

(g) he will not involve himself with any kind of unlawful activities in violation of any provision under NDPS Act.

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

Send a copy of this order immediately to learned Special Judge, Court No.3, West Tripura, 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