



**HIGH COURT OF TRIPURA
AGARTALA**

B.A. No.109 of 2026

**Abdul Chattar (aged about 72 years),
Son of Lt. Iliach Ali, resident of Tarakpur AWC,
Kurti, P.S. Kadamtala, District-North Tripura,
Pin-799261.**

--- Applicant(s)

The accused person being lodged in judicial custody, the present petition is preferred by the brother of the accused person, as named above.

**Nijamuddin (aged about 37 years) son of Abdul Chattar,
Resident of Tarakpur Ward No.02, P.S. Kadamtala,
District-North Tripura, Pin-799261.**

---Accused Person

Versus

The State of Tripura.

----Respondent(s)

For Applicant(s)	:	Mr. Pijush Kanti Biswas, Sr. Adv, Mr. Pujan Biswas, adv.
For Respondent(s)	:	Mr. Raju Datta, P.P.

HON'BLE MR. JUSTICE BISWAJIT PALIT

Order

11.06.2026

This application under Section 483(1) of BNSS, 2023 is filed for releasing of the accused-in-custody namely, Nijamuddin in connection with Churaibari P.S. case No.2025/CRB/029 dated 12.09.2025 corresponding to Special (NDPS) 12 of 2026 now pending before the Court of Learned Special Judge (NDPS), North Tripura, Dharmanagar.

Heard Learned Senior Counsel, Mr. Pijush Kanti Biswas assisted by Learned Counsel, Mr. Pujan Biswas appearing on behalf of the accused-in-custody and also heard Learned P.P, Mr. Raju Datta appearing on behalf of the State-respondent.

Taking part in the hearing, Learned Senior Counsel drawn the attention of this Court that this present accused is



languishing in jail since last nine (09) months and till today the trial of this case has not yet been commenced. So, he urged for releasing the accused on bail in any condition.

On the other hand, Learned P.P. appearing on behalf of the State-respondent submitted that in this case contraband item of commercial quantity has been recovered from the possession of the accused and in this case charge-sheet was submitted within time and on the basis of charge-sheet, Learned Trial Judge has already framed charge against the accused-in-custody and the case is now posted for examination of prosecution witnesses. So, considering the nature of the prosecution allegation, at this stage, there is no scope to release the bail on bail in any condition. In support of his contention, Learned P.P. relied upon one citation of the Hon'ble Supreme Court of India in **Narcotics Control Bureau vs. Mohit Aggarwal** reported in **(2022) 18 SCC 374** wherein in para No.19 Hon'ble the Apex Court observed as under:

"19. In our opinion the narrow parameters of bail available under Section 37 of the Act, have not been satisfied in the facts of the instant case. At this stage, it is not safe to conclude that the respondent has successfully demonstrated that there are reasonable grounds to believe that he is not guilty of the offence alleged against him, for him to have been admitted to bail. The length of the trial has commenced are by themselves not considerations that can be treated as persuasive grounds for granting relief to the respondent under Section 37 of the NDPS Act."

Referring the same, Learned P.P. submitted that the length of period of the accused in a case of this nature cannot be a ground for releasing the accused on bail from the custody and urged before this Court to dismiss the bail application.

Heard both the sides at length and also perused the record.



In this case, the allegation of the prosecution is that on 12.09.2025 one S.I., Pradip Barman of Churaibari P.S. laid one FIR to O/C, Churaibari P.S. alleging *inter alia* that on that day at about 15:45 hours he received one telephonic information from a reliable source that one person namely Nijamuddin was coming towards Churaibari Rail gate area from Kadamtala with huge quantity of contraband items for the purpose of selling to other drugs paddlers near Churaibari Railway Station area. Accordingly, the fact was entered in GD. The matter was reported to the higher authority and then to SDM, Dharmanagar to depute one Executive Magistrate. After that, at about 16:15 hours the information along with Inspector Debabrata Biswas and PS staff reached Churaibari Rail gate and found that a person wearing red colour T-shirt and black colour long pant was proceeding towards Railway Station on foot with one white carry bag and accordingly, he was detained on suspicion. Thereafter, complying the other formalities, the raid team conducted search of the carry bag of the detained person and on search recovered 50 nos. of blue colour plastic pouch suspected to be containing Yaba tablet from 05 nos. bundles (each bundle having 10 nos. blue colour plastic pouch) and on counting of 05 nos. of bundles of contraband items it was found total 9995 nos. of Yaba tablets. Accordingly, the FIR was laid by the informant. On the basis of the said complaint, the case was registered and the same was endorsed to SI, Pritimoy Chakma for investigation. The I.O. on completion of investigation laid chargesheet against the accused, Nijamuddin and accordingly, the Learned Special Judge, NDPS, Dharmanagar by order dated 24.02.2026 took cognizance of offence punishable under Section 22(c) of the NDPS Act. After that the case has been posted for



framing of charge and by order dated 03.06.2026 Learned Trial Court has framed charge against the accused under Section 22(c) of the NDPS Act and posted the case for examination of prosecution witnesses w.e.f. 20.07.2026 to 24.07.2026. Since the trial is to be commenced shortly and considering the materials on record, it appears to this Court that the accused has been failed to satisfy this Court the parameters of bail available under Section 37 of NDPS Act against him and also the contraband items of commercial quantity has been recovered from his possession. So, considering the materials on record, I find no scope to release the accused on bail and accordingly, the same stands rejected.

The accused is to remain in J/C as before. However, since the case is posted for examination of prosecution witnesses, so, the Learned Trial Court shall make all endeavour to dispose of the case giving top priority keeping it in mind that the accused is languishing in jail.

With this observation, this bail petition stands disposed of.

Send down the record to the Learned Trial Court along with the copy of this order.

Return back the C.D. to I.O., if any, through Learned P.P. along with a copy of this order.

JUDGE

PURNITA DEB

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