HIGH COURT OF TRIPURA
AGARTALA

B.A. No.140 of 2025

Sri Sanjay Mahto, S/o- Sri Vindeshwar Mahto, aged about 35 years, resident of Ward No.36, near Awash Nursing Home, East Lohanipur, Phulwari, Patna, Bihar, Pin- 800003.

……Applicant(s)

For and on behalf of accused persons

1. Sri Sambhu Kumar Mandal, S/o- Late Kishan Deb Mandal, aged about 23 years, resident of Kanki Tola, P.S.- Parbatta, Dist.- Bhagalpur, Bihar;

2. Sri Abdesh Kumar Mandal, S/o- Late Kishan Deb Mandal, aged about 24 years, resident of Kanki Tola, P.S.- Parbatta, Dist.- Bhagalpur, Bihar;

3. Sri Mantu Mandal, S/o- Late Mahindar Mandal, aged about 37 years, resident of Ramnagar, Sabour, Dist.- Bhagalpur, Bihar;

4. Smt. Anjani Mandal, W/o- Late Tuntun Mandal, aged about 35 years, resident of Chutti Parbatta, P.S.- Parbatta, Dist.- Bhagalpur, Bihar;

5. Smt. Sangita Kumari, D/o- Sri Sohan mandal, aged about 20 years, resident of Athagawa, Shankarpur, Khawas, Dist.- Bhagalpur, Bihar;

6. Smt. Lalita Devi, W/o- Sri Ranjit Mandal, aged about 30 years, resident of Pannuchak, Shankarpur, Dist.- Bhagalpur, Bihar.

……Accused Persons

Versus

The State of Tripura.

……Respondent(s).

For Applicant(s)	:	Mr. Sankar Lodh, Advocate. Mr. Subham Majumder, Advocate.
For Respondent(s)	:	Mr. Rajib Saha, Addl. PP.

HON'BLE MR. JUSTICE S. DATTA PURKAYASTHA

Order

06/01/2026

Heard learned counsel of both sides.

[2] This bail application is filed in connection with Kalyanpur PS case No.2025 KLN 012, dated 06.07.2025 under Sections 20(b)(ii)(C),25 and 29 of NDPS Act, 1985 and Section 192A of MV Act, 1988.

[3] Learned counsel, Mr. Sankar Lodh submits that the present bail application is covered by order passed by this Court on 12.12.2025 in B.A. No.117 of 2025, in between Smt. Partima Debbarma for accused Sri Goutam Debbarma vs. The State of Tripura, in which the bail was granted to Sri Goutam Debbarma.

[4] A police case was registered at Kalyanpur police station bearing No. Kalyanpur PS 12 of 2025 based on an FIR lodged by SI Dibyajyoti Majumder that during vehicle checking, he stopped one vehicle bearing No.TR 01 CC 0276 (EECO) and found seven persons were sitting there and on search, he recovered from Abdesh Kumar Mandal 4 (four) packets of suspected ganja wrapped with brown colour cello tape, total weight of which was 8 Kg. Similarly from another passenger namely, Sambhu Kumar Mandal recovered total 6 Kg of ganja kept in 6 (six) numbers of packets wrapped similarly with such brown colour cello tape. From another passenger namely, Mantu Mandal, he further recovered 6 Kg of such suspected ganja kept in 6 (six) numbers of such packets wrapped with brown colour cello tape. The investigation finally ended in submission of charge-sheet under Section 20(b)(ii)(C)/25/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short NDPS Act) and under Section 192A of the Motor Vehicles Act, 1988 (for short MV Act) against the present applicants and said Goutam Debbarma.

[5] Learned counsel, Mr. Lodh submits that the total weight including weight of packages, as per the investigating officer was 20 Kg, and therefore, leaving that weight of packages certainly the weight of seized ganja would be less than 20 Kg, i.e., of intermediate quantity, and therefore, bail was granted to the said co-accused, Goutam

Debbarma, and on the rule of parity, bail may be granted to other accused persons.

[6] Learned counsel, Mr. Lodh further submits that all the petitioners are in custody since their arrest on 06.07.2025 for about 164 days from the date of their production before the learned Special Judge.

[7] Learned Addl. PP, Mr. Rajib Saha, however, opposes the prayer, stating that already charge is framed under Section 20(b)(ii)(C) of NDPS Act, and the present petitioners did not challenge the same, and therefore, they now cannot claim the benefit of alleged intermediate quantity in the bail application.

[8] Considered the submissions of both sides.

[9] As it appears, the matter was already discussed in detail in said order dated 12.12.2025 passed in B.A. No.117 of 2025. The case of present petitioners is already covered by the said order. Therefore, to avoid any repetition, further discussion is being avoided. However, the relevant paragraphs No.5, 6 & 7 are quoted hereunder:

> **"[5] Considered the submission of both sides.**
>
> **[6] As per Rule 3(2) of the Narcotic Drugs and Psychotropic Substances (Seizure, Storage, Sampling and Disposal) Rules, 2022, as referred by Mr. Lodh, learned counsel, if the narcotic drugs, psychotropic substances and controlled substances are found in packages or containers, such packages and containers shall be weighed separately and serially numbered for the purpose of identification. Therefore, in view of above position, the total weight of the packages cannot be considered for the purpose of weight of contraband item. Prima facie, when according to the police authority, the total weight of contraband item along with such weight of packages comes to 20 Kg, after such weight of packages is deducted therefrom, it will certainly be a case of intermediate quantity. No explanation could be put forward from the side of prosecution on that point. Considering thus, the bail prayer of the applicant is allowed.**
>
> **[7] The applicant namely, Goutam Debbarma may go on bail on furnishing a bond of Rs.1,00,000/- (Rupees one lakh) with one surety of like amount to the satisfaction of the learned Special Judge, Khowai on condition that:**
>
> **(i) he will not leave the State of Tripura without prior permission of learned Special Judge;**

> **(ii) he will not try to influence any witness of the case in any manner so as to dissuade him/them from divulging the truth before the Court.**
>
> **(iii) he will regularly appear before the Court to facilitate the trial.**
>
> **In case of violation of any of the above said condition, the learned Special Judge will be at liberty to take necessary step against him in accordance with law.**
>
> **It is, however, clarified that what are observed hereinabove are only for very limited purpose of deciding the bail application and these are only prima facie observations and therefore same will have no bearing in the charge already framed by the learned Special Judge, Khowai and also during trial of the case.**
>
> **In terms of the above, the bail application is disposed of.**
>
> **Immediately send a copy of this order to the learned Special Judge, Khowai."**

[10] According to learned counsel, Mr. Lodh, nothing was recovered from the applicant-petitioners Smt. Anjani Mandal, Smt. Sangita Kumari and Smt. Lalita Devi. In view of the discussions as made in B.A. No.117 of 2025, as quoted above, it appears to the Court that the present applicant-petitioners are also entitled to get bail on the ground of parity and on the same principles and reasonings.

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

[12] It is therefore ordered that accused Sambhu Kumar Mandal, Abdesh Kumar Mandal, Mantu Mandal, Anjani Mandal, Sangita Kumari and Lalita Devi may go on bail on furnishing a bond of Rs.1,00,000/- (Rupees one lakh) each with one surety of like amount to the satisfaction of the learned Special Judge, Khowai on condition that:

(i) they will not leave the State of Tripura without prior permission of learned Special Judge and they will inform the learned Special Judge about their place of stay at Tripura by affidavit within 7(seven) days of their release;

(ii) they will not try to influence any witness of the case in any manner so as to dissuade him/them from divulging the truth before the Court;

(iii) they will regularly appear before the Court to facilitate the trial;

[13] In case of violation of any of the above said condition, the learned Special Judge will be at liberty to take necessary step against them in accordance with law.

[14] It is, however, clarified that what are observed hereinabove are only for very limited purpose of deciding the bail application and these are only prima facie observations and therefore same will have no bearing in the charge already framed by the learned Special Judge, Khowai and also during trial of the case.

With the above said terms, the bail application is disposed of.

Send a copy of this order to the learned Special Judge, Khowai immediately.

JUDGE

HIGH COURT OF TRIPURA
सत्यमेव जयते

SUJAY GHOSH
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