

Party Name : SURESH DAS, ON BEHALF OF ACCD. BITAN DAS Vs THE STATE OF TRIPURA

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HONBLE THE CHIEF JUSTICE DEEPAK GUPTA

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This is an application for grant of bail filed by the petitioner Sri Suresh Das on behalf of accused Bitan Das in respect of an offence allegedly committed by the accused under Section 20(b)(ii)(B) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as the NDPS Act).

The case of the prosecution is that on 17-02-2015 the police received secret information that one person was travelling on a motor cycle No.TR-01-C-9025 and was transporting ganja. On the basis of this information, the police officials detained the vehicle at Jirania and on search of the vehicle one plastic bag was found. This plastic bag in turn contained two polythene bags in which ganja is stated to have been found. The quantity of the ganja is 2 Kgs.

As per the notification dated 19-10-2001 in respect of ganja the commercial quantity is more than 20 Kgs. Therefore, 1 Kg. to 20 Kgs. is an intermediary quantity and the provisions of Section 37 of the NDPS Act would not apply.

The accused has been behind bars since 17-02-2015, i.e. almost for two months. The investigation is almost complete and only the forensic report is awaited. The accused cannot influence the forensic report. Therefore, I feel that no purpose will be served by keeping him behind bars any longer.

Therefore, I direct that the accused be enlarged on bail on his furnishing bail bond in the sum of Rs.10,000/- (rupees ten thousand) with one surety in the like amount to the satisfaction of the Chief Judicial Magistrate, West Tripura, Agartala subject to the following condition:-

The accused shall appear before the trial Court on each and every date of hearing. In case, he absents himself on any date, then the trial Court shall cancel the bail and the accused shall be arrested. Thereafter, the said person shall have to approach this Court for grant of bail.

No adjournment on medical ground shall be allowed without a certificate from a Government hospital.

In case, the accused violates such condition or tries to delay the trial, the prosecution shall be at liberty to apply for cancellation of bail.

With this observation, the bail application is disposed of.

On the petitioner filing application for supply of the copy on payment of appropriate fees, the copy of the same shall be supplied to the petitioner by tomorrow.