

Party Name : BISWAJIT DAS Vs THE STATE OF TRIPURA

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THE HONBLE MR. JUSTICE S.C.DAS

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Heard learned counsel, Mrs. S. Deb(Gupta) for the petitioner and learned Addl. P.P., Mr. R.C. Debnath for the State respondent.

Prosecution case is that on the basis of a secret information received on 25.02.2015 the informant SI Sasanka Das of Amtali P.S. along with SDPO and O/C of the P.S. rushed in front of Laxmi Narayan Bibaha Bashar near Amtali Bypass Naka Gate and found that some people were engaged in unloading jute bags from truck vehicle No.WB-25-F-3039 and on seeing the police party those persons engaged in unloading the vehicle tried to flee away when the accused petitioner, Biswajit Das and two others, Barjesh Kumar and Girish Yadav were detained by the police and others fled away. Thereafter, on search, 4,800 bottles of phensedyl cough linctus were seized and were taken to custody. FIR was lodged on the very date, i.e. on 25.02.2015 and investigation has been taken up.

Learned counsel, Mrs. Deb(Gupta) submits that Section 52(A) of the NDPS Act has not been complied with and hence the accused is entitled to get bail. She has also submitted that the accused is the driver of the vehicle and therefore his bail has been rejected by the Special Court and others two accused persons have already been released on bail considering that they are labourers. She therefore prays for bail of the accused.

Learned Addl. P.P. producing the case diary has submitted that Section 52(A) has been duly complied by the I.O. and sample also has been drawn before the Magistrate and records show it. Learned Addl. P.P., therefore, opposes the prayer of bail.

Considering the facts and circumstances and considering the materials on records, bail prayer stands rejected.

Case diary is returned to learned Addl. P.P.