

Party Name : NARAYAN DAS ON BEHALF OF ACCD. HRISHKESH DAS @ SONAI Vs THE STATE OF TRIPURA

HONBLE THE CHIEF JUSTICE DEEPAK GUPTA

Earlier the bail application filed on behalf of Sri Hrishikesh Das @ Sonai was rejected by this Court on 20.04.2015 by a detailed order, relevant portion of which reads as follows:-

“9. It was also urged by Sri Arijit Bhowmik that it is not possible to find out the weight in view of the fact that in the bottles only the volume is given. I am not at all impressed with this argument. It is very easy to find out the weight if the exact volume is known. Therefore, I am of the view that the offence would be in relation to a commercial quantity and, therefore, the provisions of section 37 would apply.

10. Section 37 of the NDPS Act provides that where the Public Prosecutor opposes the application for grant of bail, the bail can be granted by the Court only where the Court has reasonable grounds for believing that the petitioner is not guilty of such offence and is not likely to commit any such offence while on bail. It is difficult for me to come to the conclusion that there are reasonable grounds for believing that the petitioner is not guilty of such offence. His only defence is that the bottles did not belong to him and belong to some other passengers. That will have to be decided during trial.”

There are no changed circumstances thereafter except for the fact that more time has elapsed.

An order rejecting bail can only be modified if there are changed circumstances. Merely because the petitioner has been under jail for a longer length of time is not a sufficient ground to modify the earlier order. Therefore, I find no merit in the petition which is accordingly rejected.