

Party Name : MD. SAMIR UDDIN ON BEHALF OF ACCD. MD. MANIR UDDIN Vs THE STATE OF TRIPURA & ANR.

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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 Md. Samir Uddin on behalf of the accused Md. Manir Uddin in respect of case No.01/CL/ NDPS/CPF-TLM/15-16 dated 12.7.2015 submitted by the Superintendent, Land Customs Station, Teliamura, CPF in the Court of the Special Judge, Khowai District.

The prosecution case is that 16 Kgs. of ganja has been recovered from the accused. The accused was arrested on 12.7.2015 and has been behind bars for more than one month till now. Investigation is virtually complete. 16 Kgs. of ganja is not a commercial quantity. It is a quantity falling in between a small quantity and a commercial quantity. Therefore, the rigours of Section 37 of the Narcotic Drugs and Psychotropic Substances Act (NDPS Act) will not apply.

Since the accused has been behind bars for more than one month and the investigation is complete, I feel that this is a fit case to grant bail to the accused.

Therefore, the accused Md. Manir Uddin is directed to be enlarged on bail on his furnishing bail bond in the sum of Rs.25,000/- (rupees twenty five thousand) with one surety in the like amount to the satisfaction of the learned trial Court undertaking therein:-

- (i) That, the accused is directed not to tamper with or in any manner influence the prosecution witnesses;
- (ii) That, the accused shall ensure that no threat directly or indirectly is given to any of the prosecution witnesses;
- (iii) The accused is further directed not to cause any hindrance in the investigation;
- (iv) The accused shall not leave Tripura without permission of the appropriate Court;
- (v) 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;
- (vi) In case, the accused violates any of the conditions or tries to delay the trial, the prosecution shall be at liberty to apply for cancellation of bail.

With these observations, 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.