

Party Name : LAXMAN DEBNATH Vs THE STATE OF TRIPURA

THE HONBLE MR JUSTICE U. B. SAHA

The instant application is filed by the petitioner Sri Laxman Debnath who is in custody since 07.09.2015 in connection with PR Bari police station case No.30 of 2014 under Section 21 of the NDPS Act.

Heard Mr. A. Bhowmik, learned counsel appearing for the petitioner as well as Mr. RC Debnath, learned Additional PP .

The prosecution case in short is that S.I Sumanta Deb lodged one complaint to the Officer In-charge of the PR Bari police station, South Tripura District on 11.04.2015 alleging that on 22.10.2014 at 1145 hours Sri Hrishi Mishra, A/C,Coy,Comdr.'B'Coy 89th BN, Ekinpur BSF BOP appeared in the PR Bari police station and submitted a written complaint along with one Maruti Suzuki Omni Van B/No. TR01-L-0286 and two hundred bottles of phensedyl stating the fact that on 21.10.2014 at about 1930 hours based on a source information one OP party of BOP Chandrapur consisting of SI Yogesh GK along with 3 others observed the Maruti Suzuki Omni van above the road beyond IBB fence about 400 mtrs. from village Chandrapur, 200 mtrs from BOP Chandrapur and 200 mtrs from IB, BP No. 2116/M party immediately challenged the driver to stop the vehicle while the driver fled away leaving the vehicle on road. On search recovered 200 bottles phensedyl of various batch number from that vehicle and some documents of vehicle in photocopy.

Upon receipt of the aforesaid information, the informant rushed to the spot and subsequently on 22.10.2014 handed over the seized items to PR Bari police station along with the complaint with seizure memo and then the aforesaid police case was started and at the time of investigation the accused petitioner was arrested.

Mr. Bhowmik, learned counsel while urging for bail of the accused would contend that the accused petitioner is not the owner of the vehicle and he was arrested merely on suspicion. He further submits that the accused petitioner is a permanent resident of Dimatali under PR Bari police station and there is no possibility of his absconsion and avoiding the trial. On the other hand Mr. Debnath, learned Additional PP produced the case diary from which it appears that the accused petitioner is the owner of the vehicle from which the phensedyl bottles.were seized.

This Court has gone through the case diary as well as the other materials available. According to this Court, this is a fit case where bail should be granted.

Accordingly, it is ordered that the accused petitioner shall be released on bail on furnishing a bail bond of Rs.50,000/- with two sureties of the like amount and out of those one surety should be a government employee to the satisfaction of the learned Special Judge, South Tripura, Belonia on further condition that the accused petitioner shall appear before the I.O of this case once in a week till the investigation is completed.

With the aforesaid order, the instant bail application is disposed of.