HIGH COURT OF TRIPURA
AGARTALA

A.B. 61/2024

Alamgir Hossen @ Sagar Miah ----Applicant(s)

Versus

The State of Tripura ----Respondent(s)

For Applicant(s)	:	Mr. Ratan Datta, Advocate
For Respondent(s)	:	Mr. Raju Datta, PP

HON'BLE MR. JUSTICE ARINDAM LODH

Order

04/12/2024

This is an application filed under Section 482 of BNSS, 2023, for granting anticipatory bail to the accused-applicant in connection with Jatrapur PS case No. 2024/JTP/055 registered under Sections 20(B)(II)(B)/25/29 of the NDPS Act.

Heard Mr. Ratan Datta, learned counsel appearing for the applicant. Also heard Mr. Raju Datta, learned PP appearing for the respondent-State.

In pursuant to the order dated 02.12.2024, the applicant, Alamgir Hossen @ Sagar Miah is also present before this court.

Mr. Ratan Datta, learned counsel for the applicant has submitted that the applicant has no complicity with the aforesaid case. Mr. Datta, also submitted that the applicant is not the owner of the house, as alleged by the informant in the FIR. Mr. Datta, learned counsel has further submitted that the applicant is a student aged about 21 years. It is further submitted that the applicant stays in Agartala and he has no knowledge about the alleged incident. It is further contended that only 17.5 kgs. of ganjas (cannabis) had been seized by the police official which is intermediate quantity, so the court may grant anticipatory bail to the applicant.

I have interacted with the applicant, who according to me, cannot give any satisfactory reply before this court.

There is no law which would show that if ganja is seized in intermediate quantity, bail can be granted to the accused. In a case relating to trading of contraband articles and narcotic drugs, the law applicable to consider the bail application is only Section 37 of the NDPS Act. In the instant case, learned counsel for the applicant has failed to convince this court regarding absence of ingredients of Section 37 of NDPS Act.

In view of this, I am not inclined to grant anticipatory bail to the applicant. Accordingly, the instant application stands dismissed.

However, the applicant is directed to surrender before the court of learned Special Judge(NDPS), West Tripura, Agartala, today itself by 2.00 p.m. It is made clear that if the applicant does not surrender, as directed, then, the Investigating Officer is directed to arrest the applicant in accordance with law.

Personal appearance of the accused-applicant is dispensed with.

JUDGE

SANJAY GHOSH

Saikat

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