

HIGH COURT OF TRIPURA

AGARTALA

AB 22 OF 2026

Hedayat Ulla,
S/o Abdul Rashid, R/o Ward No.6,
P.O. Kamalnagar, Boxanagar, Sepahijala Tripura.

....Applicant/petitioner.

Versus

The State of Tripura

....Respondent.

**BEFORE
HON'BLE MR. JUSTICE S. DATTA PURKAYASTHA**

For the Applicant/petitioner(s) : Mr. Bhaskar Deb, Advocate.
Mr. Ramprasad Gope, Advocate.
Mr. Victor Ghosh, Advocate.
Mr. Hrishikesh Bhattacharjee, Advocate.
For the Respondent(s) : Mr. Raju Datta, P.P.

22.04.2026

ORDER

Heard learned counsels of both sides.

The petition for pre-arrest bail has been filed on behalf of the applicant/petitioner, Hedayat Ulla in connection with Sonamura P.S. Case No. 06 of 2026, registered under Sections 22(c)/25/27-A/29 of NDPS Act 1985, 25(1B)(a) of Arms Act and 61 of BNS, 2023.

2. The FIR was lodged by Sub-Inspector of Police, Shubhankar Debbarma of Sonamura Police Station alleging, *inter alia*, that on 06.02.2026, at about 00:40 hours on the basis of a secret information, he along with other police personnel and BSF personnel conducted raid and search in the house of one Ali Hossain and during search they recovered 1(one) number of factory made pistol including one magazine, 1(one) number of live ammunition, two numbers of mobile phones, Indian cash

currency of Rs.52,760/-, Bangladeshi currency of Rs.5,910/-, 3(three) numbers of passport and 1.105 Kg 'Yaba' tablets, etc. Thereafter, the complainant seized the aforesaid items from the possession of accused Ali Hossain and his wife by preparing a seizure list in presence of independent witnesses, police and one Sri Sunil Kumar Singh, A/C of N.C. Nagar BOP who was acting as a Gazetted Officer. After observing all formalities, the complainant arrested and detained said accused Ali Hossain and his wife on spot and other three persons from some other places, but could not arrest the present petitioner and another.

3. Learned counsel, Mr. B. Deb submits that nothing was recovered from the house of the present petitioner. More so, the petitioner is being tried to be implicated in the instant case based on the statements of co-accused so far it reveals from the contents of the FIR.

4. On that point, learned counsel relies on a decision of Hon'ble Supreme Court in the case of ***P. Krishna Mohan Reddy vs. State of Andhra Pradesh, 2025 SCC OnLine SC 1157***, wherein it was observed by the Hon'ble Supreme Court that *a police statement of an accused which is just in the form of a confession as per se inadmissible and no reliance whatsoever can be placed on such statements either at the stage of bail or during trial.*

5. Learned counsel also tries to show some contradictions between the contents of FIR and the Forwarding Report of the investigating officer dated 07.02.2026, which was sent to the Court of learned Special Judge while forwarding 5(five) numbers of accused persons. According to learned counsel Mr. Deb, in the FIR, it is contended by the police officer that the accused persons on spot verification disclosed the name of present petitioner to be a member of their group involved in dealing with such contraband items, whereas, in the said Forwarding Report, the I.O. has himself mentioned that during interrogation all the accused persons kept mum, and there is also no satisfactory material that at the time of raid in the house of Ali Hossain, the present petitioner was available there. Rather, in the Forwarding Report, it is mentioned that when the police officer raided the house of the present

petitioner, he was absconded from his house. The house of Ali Hossain and the present petitioner is situated at a distance of 15 Km.

6. Learned counsel further relies on the decision of Hon'ble Supreme Court in the case of ***Bharat Chaudhury vs. Union of India in the petition for Special Leave to Appeal (Criminal) No.5703 of 2021***, decided on 13th December, 2021 wherein after considering the facts of that case, Hon'ble Supreme Court was pleased to observe that *in absence of any psychotropic substance found in the conscious possession of A-4, we are of the opinion that mere reliance on the statement made by A-1 to A-3 under Section 67 of the NDPS Act is too tenuous a ground to sustain the impugned order of the High Court and this was more so when such a reliance runs contrary to the decision of the Hon'ble Supreme Court in Tofan Singh's case.*

7. Learned counsel, Mr. Deb also strenuously argues that such contradicting version of the police officer both in the FIR and the Forwarding Report itself shows that the police has the tendency to falsely implicate the present petitioner in the instant case.

8. Learned P.P., on the other hand, referring to the relevant portions of the case diary strongly opposes the bail prayer submitting that there are *prima facie* materials against the present petitioner regarding his complicity in the drug trafficking and his involvement in dealing with those contraband items which were seized from the house of accused Ali Hossain.

9. Learned P.P. also relies on the decision of Hon'ble Supreme Court in the case of ***State by the Inspector of Police vs. B. Ramu, 2024 SCC OnLine SC 4073*** wherein it is held that *in the event, the Public Prosecutor opposed the prayer of bail either regular or anticipatory, as the case may be, the Court would have to record a satisfaction that there are grounds for believing that the accused is not guilty of the offence alleged and that he is not likely to commit an offence when on bail.* At paragraphs No. 11 & 12, it is further observed that *in case of recovery of huge quantity of narcotic substance, the Courts should be slow in granting even regular bail to the accused and what to talk of anticipatory bail and more so when*

the accused is having criminal antecedents and in a case involving recovery of commercial quantity of narcotic drug or psychotropic substance, the Court would have to mandatorily record the satisfaction in terms of the rider contained in Section 37 of the NDPS Act. In this regard, learned counsel Mr. Deb replies that the present petitioner has no criminal antecedent.

10. This Court has considered the submissions of learned counsels of both sides and also gone through the relevant materials placed in the case diary. It appears that two independent witnesses are examined by the I.O. who have categorically stated that the present petitioner would often visit the house of accused Ali Hossain and was continuing such illegal business by investing money, and even, they would distribute the profit of the business of such arms, Yaba tablets and Bangladeshi currency with each other.

11. Even if the assertions made by the police officer in the FIR that one of the accused persons, namely, Ali Hossain disclosed the name of the present petitioner to be one of the associates along with others who were involved in the said drug trafficking, is ignored, still in view of above said materials and also in view of the observations of Hon'ble Supreme Court in **B. Ramu** (supra), this Court is not inclined to grant pre-arrest bail to the petitioner and thus, the bail application is rejected.

12. Return the C.D. with a copy of this order to learned P.P.

JUDGE