

**HIGH COURT OF TRIPURA
AGARTALA**

B.A. No.62 of 2025

Smt. Shilpi Deb Das,
W/O Sri Bapi Das,
Resident of Charipara, P.S.- Amtali,
District- West Tripura.

**.... Petitioner on behalf of the
Accused person-in-custody**

Sri Bapi Das,
S/O- Late Manoranjan Das
Resident of G.B. 79 Tilla,
Agartala, P.S.- New Capital Complex,
District- West Tripura,
Presently residing at Charipara,
P.S.- Amtali, District- West Tripura.

.... Accused Person-in-custody

Versus

The State of Tripura

.....Respondent.

For Applicant(s)	:	Mr. Subrata Sarkar, Sr. Adv. Mr. Kabrabam Dharendra Debbarma, Adv.
For Respondent(s)	:	Mr. Raju Datta, P.P.

HON'BLE MR. JUSTICE BISWAJIT PALIT

Order

01/08/2025

This bail application under Section 483 of BNSS, 2023 is filed for granting release of accused Bapi Das on bail in connection with Pecharthal PS Case No.013 of 2025 (2025PTL013) under Section 22(C) of NDPS Act, 1985 and Section 192(A) of M.V. Act.

Heard Learned Senior Counsel, Mr. S. Sarkar assisted by Learned Counsel, Mr. K. D. Debbarma appearing on behalf of the

accused person in custody and also heard Learned P.P., Mr. Raju Datta appearing on behalf of the State-respondent.

As ordered earlier received the record from the Learned Trial Court and Learned P.P. also has produced the CD.

In course of hearing, Learned Senior Counsel appearing for the accused has drawn the attention of the Court that in this case the ground of arrest is not communicated to the accused referring the arrest memo. Learned Senior Counsel further drawn the attention of the Court that nothing was communicated to the accused in writing and in support of his contention he relied upon three judgments of the Hon'ble Supreme Court of India and urged for releasing the accused on bail in any condition.

On the other hand, Learned P.P. appearing for the State-respondent opposed the submission made by Learned Senior Counsel for the accused and submitted that in the case at hand the contraband item was directly seized from the possession of the accused on that relevant day. The accused could not show any valid documents in support of possession of the same and prior to arrest the I.O. conducted pre-search in presence of witnesses served pre-search notice to the accused under Section 50 of NDPS Act and the signature of the accused was also taken. Furthermore, on the seizure list, the signature of the accused was obtained at the time of the seizure and on the same day the accused was taken into custody in connection with this case and on the following day he was produced before the Court when he was defended by his engaged Learned Counsel.

Learned P.P. further submitted that the entire process was conducted in presence of the accused so, there is no scope on his part at this stage to say that the ground of arrest was not communicated to the accused. So, Learned P.P. urged for rejection of the bail application.

In this case, prosecution was set into motion on the basis of an FIR laid by Sri Lalruata Darlong, SI of Police, Pecharthal PS, Unakoti, Tripura to OC, Pecharthal Police Station, Unakoti, Tripura alleging inter alia that on 21.06.2025 at about 1305 hrs he received one secret information that huge quantity of contraband articles i.e. cough syrup was coming from Guwahati by a bus bearing No.AS01-LC-1412 (Night Super Bus) through NH-8 road which will proceed towards Agartala. Immediately, the matter was entered in Pecharthal PS GD Entry No.16 dated 21.06.2025. The informant also immediately informed the matter to the higher authority of the police and made necessary GD Entries. Thereafter, SI along with Inspector Suman Acharjee and other staff laid an ambush at the Pecharthal PS Naka point. On their arrival after 15 to 20 minutes the said bus (Night Super) came and accordingly, search was conducted. He detained the driver when he disclosed his name as Bapi Das and that time SDPO, Kumarghat and Executive Magistrate also appeared to the spot and accompanied in the search process. Before search the I.O. prepared a pre-search memo in presence of witnesses and driver of the vehicle and after that in presence of local available independent witnesses he searched the vehicle. In course of search he found 12 cartoons inside the vehicle and 1790 nos.

bottles of Eskuf cough syrup having different batch number. Thereafter, he did all formalities and arrested the accused. Being asked the driver stated that he loaded the cough syrup from Guwahati with intention to deliver at Agartala. He has drawn samples from the seized cartoons of cough syrup and after that he returned to PS and laid the FIR.

Notice was also served to the accused after obtaining his signature under Section 50 of NDPS Act. On the following day he was forwarded to the Court of Learned Special Judge i.e. on 22.06.2025 and since then he is lodging in custody.

I have heard detailed argument of both the sides and gone through the citations, since the contraband items was directly recovered from the presence of the accused and in support of possession he could not show any satisfactory documents to the police and as such he was taken into custody and the entire process of search and seizure was made in presence of the accused. So, the plea taken by the accused that the ground of arrest was not communicated to him cannot be accepted at this stage. The investigation of the case is in progress. So, considering all at this stage, I find no scope to release the accused on bail.

Hence, this bail application is rejected. The accused is to remain in J/C as before.

Return back the CD to I.O. through Learned P.P. along with a copy of this order.

Send down the record of the Learned Trial Court along with a copy of this order.

JUDGE

Amrita

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