



HIGH COURT OF TRIPURA

AGARTALA

BA No.138 of 2026

Sri Mantosh Ranjan Biswas,
Son of Late Manoranjana Biswas, resident of Office Lane (Opposite to Siksha Bhawan), P.O. Agartala, P.S. West Agartala, District- West Tripura, Pin-799001.

.....Petitioner(s);

For and on behalf of
Sri Rabin Biswas @ Tupai,
S/o Sri Mantosh Ranjan Biswas, resident of Office Lane (Opposite to Siksha Bhawan), P.O. Agartala, P.S. West Agartala, District- West Tripura, Pin-799001.

..... Accused person;

VERSUS

The State of Tripura

.....Respondent(s);

For the Petitioner(s)

:

Mr. Sankar Lodh, Advocate.

For the Respondent(s)

:

Mr. S. Saha, Additional Public Prosecutor.

Date of hearing and delivery of Order

:

23.07.2026.

Whether fit for reporting

:

YES	NO
✓	✓

HON'BLE MR. JUSTICE S. DATTA PURKAYASTHA

ORDER

Heard learned counsel of both sides.

[2] The bail petition has been filed seeking bail of the accused Sri Rabin Biswas @ Tupai in connection with Special (NDPS) 170 of 2024 arising out of Agartala GRPS Case no. 2022 GRP 007 under Sections 21(c) and 29 of NDPS Act. The accused was arrested on 19.03.2024 and since then he is in custody.

[3] On 25.04.2022, 4792 nos. of bottles of Phensedyl and 4520 nos. of bottles of Eskuf syrup were recovered from Agartala Sealdah Kanchanjunga Express at Agartala Railway Station. It was stated in the FIR that the consignments were sent by A.K. Yadav to one S. Das of Agartala. On completion of the investigation, police authority submitted the charge sheet under Section 21(c) and 29 of NDPS Act against six accused persons including the present accused namely Sri Rabin Biswas @ Tupai.

[4] The accused first submitted bail petition bearing B.A. No.70 of 2024 before this Court. The ground taken in the application was that he was in custody during the statutory period but no charge-sheet was submitted against him within said period and moreover, the order passed by the Special Judge under Section 36(A)(4) of NDPS Act, for extending the period of detention was illegal having no jurisdiction. Ultimately, a Coordinate Bench of this Court rejected the same vide order dated 18.11.2024.

[5] After the charge-sheet was submitted, the present accused petitioner again approached this Court for bail in B.A. No.27 of 2025 contending that there was no incriminating material against the present accused implicating him in the alleged crime, and therefore, barring provisions of Section 37 of the NDPS Act, was not applicable in this Case. Ultimately, said Coordinate Bench of this Court after consideration of the same, rejected the said bail petition vide order dated 07.05.2025.

[6] Now, again the present accused has approached this Court for the third occasion seeking bail on the ground that for more than two years and four months he is in custody and trial is going on in a very slow pace. According to learned counsel, Mr. S. Lodh, out of total 30 witnesses only 07

witnesses are examined and even the police personnel despite receiving summons are not turning up before the learned Trial Court. Learned counsel, Mr. Lodh, also raise a legal issue that the grounds of arrest was not communicated to the present accused in writing in violation of Article 22(1) of the Constitution of India which has rendered his arrest illegal, and therefore, he is required to be released on bail immediately. Learned counsel, Mr. Lodh, also submits that in earlier in B.A. No.27 of 2025 though he was the engaged counsel of the accused petitioner, but at that time, the above said fact was not within his knowledge, and therefore, said plea could not be raised at that time.

[7] Mr. S. Saha, learned Additional Public Prosecutor, however, seriously opposes the bail prayer submitting that incriminating materials are there against the present accused regarding his involvement in the alleged crime. Learned Additional Public Prosecutor also submits that there is also another case pending against the present accused person under NDPS Act concerning commercial quantity of contraband items, and therefore, if he is released on bail, he will repeat the similar offence again.

[8] Court has considered the submissions of both sides. So far the claim of the present accused in support of his bail for delayed trial is concerned, Court is not satisfied with the same at this stage, as it is not a case that substantive part of the prescribed sentence is already suffered by him or for a very long period he is in custody. However, so far the second issue as raised by him regarding violation of Article 22(1) of the Constitution of India is concerned, same requires attention by the Court.

[9] In case of **Pankaj Bansal versus Union of India and others [(2024) 7 SCC 576]** [decided on 03.10.2023] Hon'ble Supreme Court held that to give true meaning and purpose to the constitutional and statutory mandate of Section 19(1) of PMLA Act, 2002 of informing the arrested person of the ground of arrest, it would be necessary, henceforth, that a copy of such written grounds of such arrest is furnished to the arrested person as a matter of course and without exception. It is also held that under Article 22(1) of the Constitution, no person who is arrested shall be detained in custody without being informed, as soon as may be, of the grounds for such arrest. This being the fundamental right guaranteed to the arrested person, the mode of conveying information of the grounds of arrest must necessarily be meaningful so as to serve the intended purpose. Thereafter, also in several decisions, the Hon'ble Supreme Court has held that failure to inform the grounds of arrest in effective manner in compliance of Article 22(1) of the Constitution renders the arrest illegal. Reference may be made to **Prabir Purkayastha versus State (NCT of Delhi) [(2024) 8 SCC 254;** **Vihaan Kumar versus State of Haryana and another [(2025) 5 SCC 799;** **Kasireddy Upender Reddy versus State of Andhra Pradesh and others [2025 SCC OnLine SC 1228]; Ahmed Mansoor and others versus State Rep. By, Assistant Commissioner of Police and another [2025 SCC OnLine SC 2650]; Mihir Rajesh Shah versus State of Maharashtra and another [(2026) 1 SCC 500].**

[10] In the case in hand, learned counsel Mr. Lodh, brings the notice of the Court to the arrest memo wherein grounds of arrest is mentioned as "under the above noted case reference". On query by the Court, learned Additional Public Prosecutor, Mr. S. Saha, fails to show anything except the

said arrest memo that grounds of arrest was effectively communicated to the accused person. Therefore, it appears that there was no communication of grounds of arrest at all to the present accused person. Therefore, the arrest has been rendered illegal. As in earlier two bail applications said issue was not raised before this Court, the learned Coordinate Bench has no occasion to examine the matter. When the arrest is rendered illegal, consequent remands also become illegal.

[11] In view of above, the bail prayer is allowed. It is ordered that the accused person namely Sri Rabin Biswas @ Tupai may go on bail in connection with above noted case on furnishing a bond of Rs.2,00,000/- [Rupees two lakh] only with one surety of the like amount to the satisfaction of the learned Special Judge (NDPS), West Tripura Judicial District, Agartala, on the following conditions that:

(a) the surety must be a resident of Tripura having sufficient means to be treated as a sound surety;

(b) he will not leave the State of Tripura without prior permission of the learned Special Judge (NDPS), West Tripura Judicial District, Agartala, and such permission can be accorded only on special circumstances;

(c) he will give his attendance once in a fortnight before the learned Special Judge (NDPS), West Tripura Judicial District, Agartala, till the trial is complete or till the said condition is relaxed by the learned Special Judge;

(d) he will not involve himself in any sort of offence under NDPS Act and if any allegations of violation of the clause is placed before the Court, matter will be considered on the basis of prima facie materials;

(e) he will provide his mobile phone number, if any, to the learned Special Judge (NDPS), West Tripura Judicial District, Agartala, and also to O/C, GRPS Police Station, Agartala, within 07 days of his release on bail and will not change or handover the SIM card and will keep the SIM functional till the trial is complete;

(f) violation of any of these conditions will be good ground for cancellation of his bail.

With such observations and directions, the bail application is disposed of.

Send a copy of this order immediately to learned Special Judge (NDPS), West Tripura Judicial District, Agartala.

Re-consign the case diary to learned Public Prosecutor with copy of this order.

Also return the Trial Court record.

Interim order, if any, stands vacated.

JUDGE