

(2024) 01 TP CK 0005

Tripura High Court- Agartala

Case No: Bail Application 58 Of 2023

Soma Begam On Behalf Of  
Mijanur Rahaman

APPELLANT

Vs

State Of Tripura

RESPONDENT

**Date of Decision:** Jan. 4, 2024

**Acts Referred:**

- Code Of Criminal Procedure, 1973 - Section 439
- Narcotic Drugs And Psychotropic Substances Act, 1985 - Section 20(b)(ii)(c), 25, 29, 37

**Hon'ble Judges:** Arindam Lodh, J

**Bench:** Single Bench

**Advocate:** Siraj Ali, Raju Datta

**Final Decision:** Dismissed

### Judgement

Arindam Lodh, J

Heard Mr. Siraj Ali, learned counsel appearing for the applicant. Also heard Mr. Raju Datta, learned P.P. appearing for the respondent.

This is an application filed under Section 439 of Cr.P.C., 1973 read with Section 37 of NDPS Act, 1985 for granting bail in favour of the accused person in connection with Sonamura PS case No.2023/SNM/118 registered under Sections 20(b)(ii)(c)/25/29 of the NDPS Act.

The accused, Mijanur Rahaman has been in custody for 126 days. He has been arrested for committing offence under Sections 20(b)(ii)(c)/25/29 of the NDPS Act.

Mr. Ali, learned counsel has submitted that charge-sheet has already been filed and there is serious procedural defect in arresting the accused person since authorization was made one month prior to the arrest and the institution of the case.

I have gone through the contentions made in the bail application and also have considered the submissions advanced by learned counsel appearing for the accused person.

In my opinion, the question of procedural defect may be decided in the course of trial and not at this stage.

Accordingly, the instant bail application stands rejected and thus, disposed of.