

(2024) 03 TP CK 0053

Tripura High Court- Agartala

Case No: Bail Application 14 Of 2024

Abdul Rashid

APPELLANT

Vs

State Of Tripura

RESPONDENT

Date of Decision: March 28, 2024

Acts Referred:

- Code Of Criminal Procedure, 1973 - Section 439
- Narcotic Drugs And Psychotropic Substances (NDPS) Act, 1985 - Section 21(b), 25, 29, 37

Hon'ble Judges: Arindam Lodh, J

Bench: Single Bench

Advocate: A. Basak, Raju Datta

Final Decision: Allowed

Judgement

Arindam Lodh, J

Heard Mr. A. Basak, learned counsel appearing for the applicant. Also heard Mr. Raju Datta, learned P.P. appearing for the respondent-State.

This is an application filed by the applicant under Section 439 of CrPC for granting bail to the accused persons namely, Sri Abdul Razzak, Sri Jamal Hossain, Sri Dulal Miah and Sri Abdul Hossain who have been arrested in connection with Radha Kishore Pur P.S. Case No.04 of 2024 (Special NDPS 3 of 2024), registered under Sections 21(b)/25/29 of the NDPS Act.

Mr. Basak, learned counsel appearing for the applicant submits that in the present case the accused persons are to some extent suffering from addiction. They were not involved in trading of any contraband articles. Only they went to the house of one Rupan Miah, the principal accused for their own consumption of contraband articles which were very small quantity in nature. However, learned counsel appearing for the applicant further submits that the accused persons have realized their mistakes and they have been properly rehabilitated in the Rehabilitation Centre as per direction of this Court.

On the other hand, Mr. Datta, learned P.P. has submitted that though the accused persons appeared to be not directly involved in trading of contraband articles but, **prima facie** it is found that they were consuming the drugs in the house of the principal accused. Therefore, the bail application filed by the applicant on behalf of the accused persons, at this stage, may not be considered.

I have considered the submissions of learned counsel appearing for the parties. Keeping in mind the conditionalities of granting bail under Section 37 of the NDPS Act, I

find that it is not clear from the record that the accused persons were involved in trading of any contraband articles and **prima facie** it is found that they were just consuming the drugs in the house of the principal accused, in my conscious consideration, they may not be guilty of committing heinous crime of drug peddling/smuggling. Furthermore, they were sent to re-habilitation centre considering their age and now they have learnt and understood the result of consuming drugs. In such circumstances, they may be released on bail since there is no chance of tempering the evidence and evading the trial.

Accordingly, the accused persons namely **Sri Abdul Razzak, Sri Jamal Hossain, Sri Dulal Miah and Sri Abdul Hossain** shall be released on bail on furnishing a bail bond of **Rs.50,000/-** (Rupees fifty thousand) with one surety of like amount each to the satisfaction of learned Special Judge, Gomati Tripura, Udaipur.

With the aforesaid directions and observations, the instant bail application stands allowed and disposed of.