

(2025) 12 TP CK 0027

Tripura HC

Case No: Bail Application No. 117 Of 2025

Partima Debbarma

APPELLANT

Vs

Goutam Debbarma

RESPONDENT

Date of Decision: Dec. 12, 2025

Acts Referred:

- Narcotic Drugs And Psychotropic Substances Act, 1985 - Section 20(b)(ii)(C), 25, 29
- Motor Vehicles Act, 1988 - Section 192A
- Narcotic Drugs And Psychotropic Substances (Seizure, Storage, Sampling And Disposal) Rules, 2022 - Rule 3(2)

Hon'ble Judges: S. Datta Purkayastha, J

Bench: Single Bench

Advocate: S. Lodh, Subham Majumder, Rajib Saha

Final Decision: Disposed Of

Judgement

S. Datta Purkayastha, J

[1] Heard learned counsel of both sides.

[2] A police case was registered at Kalyanpur police station bearing No. Kalyanpur PS 12 of 2025 based on an FIR lodged by SI Dibyajyoti Majumder that during vehicle checking, he stopped one vehicle bearing No.TR 01 CC 0276 (EECO) and found seven persons were sitting there and on search, he recovered from Abdesb Kumar Mandal 4 (four) packets of suspected ganja wrapped with brown colour cello tape, total weight of which was 8 Kg. Similarly from another passenger namely, Sambhu Kumar Mandal recovered total 6 Kg of ganja kept in 6 (six) numbers of packets wrapped similarly with such brown colour cello tape. From another passenger namely, Mantu Mandal, he further recovered 6 Kg of such suspected ganja kept in 6 (six) numbers of such packets wrapped with brown colour cello tape. The investigation finally ended in submission of charge-sheet under Section 20(b)(ii)(C)/25/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short NDPS Act) against six

accused persons and under Section 20 (b)(ii)(C)/25/29 of the NDPS Act and under Section 192A of the Motor Vehicles Act, 1988 (for short MV Act) against the present applicant, Goutam Debbarma, who was the driver of said vehicle.

[3] Mr. S. Lodh, learned counsel for the applicant during hearing refers to the FIR, seizure list dated 05.07.2025 and also the charge-sheet of the case and submits that in all places the total weight of such ganja with packets are shown to be 20 Kg. Therefore, according to Mr. Lodh, learned counsel if the weight of the packets is deducted from the said total weight of 20 Kg, the weight of ganja will be less than 20 Kg and therefore, the case cannot come under the purview of commercial quantity of contraband items. Learned counsel also submits that already charge is framed against all the accused persons under Section 20(b)(ii)(C)/29 of the NDPS Act and a separate charge under Section 25 of the NDPS Act and Section 192A of the MV Act is also framed against the present applicant along with charge under above said provisions of law which were framed against other accused persons. On that ground, learned counsel prays for bail of the accused applicant stating that from his arrest on 06.07.2025, till date he is in custody and he has his permanent home and hearth within the State of Tripura and therefore, there is no chance of his abscondence.

[4] Mr. Rajib Saha, learned Addl. P.P., on the other hand, submits that when charge was framed under Section 20(b)(ii)(C) of the NDPS Act read with Section 29 against all the accused persons, the applicant did not raise any objection and therefore, now at the belated stage, he cannot raise the question of applicability of said provisions of Section 20(b)(ii)(C) during bail hearing. However, he did not dispute the fact that the total quantity of contraband as shown by the police authority in the FIR as well as in the seizure list inclusive of weight of packages is 20 Kg.

[5] Considered the submission of both sides.

[6] As per Rule 3(2) of the Narcotic Drugs and Psychotropic Substances (Seizure, Storage, Sampling and Disposal) Rules, 2022, as referred by Mr. Lodh, learned counsel, if the narcotic drugs, psychotropic substances and controlled substances are found in packages or containers, such packages and containers shall be weighed separately and serially numbered for the purpose of identification. Therefore, in view of above position, the total weight of the packages cannot be considered for the purpose of weight of contraband item. Prima facie, when according to the police authority, the total weight of contraband item along with such weight of packages comes to 20 Kg, after such weight of packages is deducted therefrom, it will certainly be a case of intermediate quantity. No explanation could be put forward from the side of prosecution on that point. Considering thus, the bail prayer of the applicant is allowed.

[7] The applicant namely, Goutam Debbarma may go on bail on furnishing a bond of Rs.1,00,000/- (Rupees one lakh) with one surety of like amount to the satisfaction of

the learned Special Judge, Khowai on condition that:

- (i) he will not leave the State of Tripura without prior permission of learned Special Judge;
- (ii) he will not try to influence any witness of the case in any manner so as to dissuade him/them from divulging the truth before the Court.
- (iii) he will regularly appear before the Court to facilitate the trial.

In case of violation of any of the above said condition, the learned Special Judge will be at liberty to take necessary step against him in accordance with law.

It is, however, clarified that what are observed hereinabove are only for very limited purpose of deciding the bail application and these are only prima facie observations and therefore same will have no bearing in the charge already framed by the learned Special Judge, Khowai and also during trial of the case.

In terms of the above, the bail application is disposed of.

Immediately send a copy of this order to the learned Special Judge, Khowai.