

**HIGH COURT OF TRIPURA
AGARTALA**

BA 20/2020

Subhadra Debbarma on behalf of accd. Rupan Miah
-----Petitioner(s)

Versus

The State of Tripura
-----Respondent(s)

For Petitioner(s) : Mr. S. Lodh, Advocate

For Respondent(s) : Mr. Ratan Datta, PP

BA 21/2020

Md. Jamal Miah on behalf of accd. Halim Miah
-----Petitioner(s)

Versus

The State of Tripura
-----Respondent(s)

For Petitioner(s) : Mr. D. Datta, Advocate

For Respondent(s) : Mr. Ratan Datta, PP

HON'BLE MR. JUSTICE ARINDAM LODH
Order

28/02/2020

Heard Mr. S. Lodh, learned counsel appearing for the petitioner in Bail Application no. 20 of 2020 as well as Mr. D. Datta, learned counsel appearing for the petitioner in Bail Application no. 21 of 2020. Also heard Mr. Ratan Datta, learned PP appearing for the State-respondent.

In course of hearing of both the bail applications which involve similar questions of fact and law, Mr. Lodh, learned counsel has referred two decisions of the Apex Court in ***Hitendra***

Vishnu Thakur and others vs. State of Maharashtra and others reported in ***(1994) 4 SCC 602*** and ***Sanjay Kumar Kedia alias Sanjay Kedia vs. Intelligence Officer, Narcotics Control Bureau and another*** reported in ***(2009) 17 SCC 631***, where the law of granting default bail after expiry of 180 days in connection with cases relating to NDPS Act, has been settled.

Having due regard to the law settled by the Apex Court, according to me both the accused-persons, namely, ***Rupan Miah and Halim Miah*** are entitled to be released on bail.

Accordingly, both the accused-persons shall be released on bail by furnishing a bond of Rs. 2 lakh each with two sureties each of the like amount to the satisfaction of the Special Judge, Court No. 2, Gomati Judicial District, Udaipur.

However, the accused-person, namely, Rupan Miah shall appear before the investigating officer thrice in a week till completion of the trial and in course of trial the accused, Rupan Miah shall not leave the jurisdiction of Gomati District without prior permission of learned Special Judge, Court No. 2, Gomati Judicial District, Udaipur.

Mr. D. Datta, learned counsel has submitted that the accused, Halim Miah is a permanent resident of Bishalgarh under Sepahijala District. Hence, the accused-person, namely, Halim Miah shall appear before the investigating officer thrice in a week till completion of the trial and in course of trial the accused, Halim Miah shall not leave the jurisdiction of Bishalgarh Sub-

Division and Gomati Judicial District without prior permission of learned Special Judge, Court No. 2, Gomati Judicial District, Udaipur.

With the above observation and direction, the bail applications are allowed and, thus disposed of.

JUDGE



Saikat