

**HIGH COURT OF TRIPURA
AGARTALA**

BA 40 of 2020

For petitioner(s) : Mr. Raju Datta, Adv.

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

HON'BLE MR. JUSTICE S. TALAPATRA

Order

29.04.2020

Heard Mr. Raju Datta, learned counsel appearing for the petitioner representing the accused, who has been implicated in Amtali P.S. case No. 208 of 2019 under Sections 22(b)/22(c)/29 of the NDPS Act, 1985, corresponding to Special (NDPS)3 of 2020. Also heard Mr. Ratan Datta, learned PP appearing for the State.

There is no dispute that the final report has already been submitted in the Special Court. From the case diary, as submitted by Mr. Datta, learned PP it appears that the Investigating Officer has out of apprehension submitted a prayer for custody trial, as according to the Investigating Officer if the accused is enlarged on bail he would be untraceable.

When this court queried Mr. Raju Datta, learned counsel appearing for the petitioner, whether any decision on such prayer has been taken by the Special Court, he has fairly submitted that he has no instruction in this regard.

Mr. Ratan Datta, learned PP however, has submitted that it appears from the records that no order has been passed by the Special court as yet.

Be that as it may, the Special court is directed to decide the prayer for custody trial within a period of seven days from today, if not already decided.

Whatever may be the outcome of that proceeding or in the event that the said prayer has already been decided, the petitioner is granted liberty to approach this court afresh for consideration of his bail.

In terms of the above, this petition stands disposed.

The records as produced by Mr. Ratan Datta, learned PP be returned.

Copy of this order be furnished to the learned counsel for the parties having been authenticated by the Registrar (Judl.).

Sd/-
JUDGE

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