

**HIGH COURT OF TRIPURA
AGARTALA**

B A. No.27 of 2021

Smti Manisha Roy on behalf of accused Sri Prasenjit Roy.

..... *Petitioner(s)*.

Vs.

The State of Tripura .

..... *Respondent(s)*.

For Petitioner(s) : Mr. B.N. Majumder, Sr. Advocate.
Mr. S. C. Sen, Advocate.

For Respondent(s): Mr. Ratan Datta, Public Prosecutor.

THE HON'BLE MR. JUSTICE S. G. CHATTOPADHYAY

ORDER

30/04/2021

[1] This petition has been filed by Smt. Manisha Roy, petitioner under Section 439 Cr. P.C for granting bail to her husband, Prasenjit Roy who is an accused in Bishalgarh P.S Case No.21 of 2021 registered under Section 401 IPC read with Section 21 (a)(b) and (c) and Sections 25, 27-A, 29 and 32, N.D.P.S Act, 1955.

[2] The factual context of the case is as under:

Pursuant to a secret information, Sub-Inspector Raju Bhowmik of Bishalgarh Police Station along with his accompanying police staff conducted raid in a building named "Bhavan" at nicher bazaar within the jurisdiction of Bishalgarh police station in front of Bishalgarh Town Girls' High School and arrested the accused along with five other associates of him. Allegedly, 1000 YABA tablets in five plastic packets, 12 plastic containers containing huge quantity of Brown Sugar, 6 bottles of Escuf cough syrup and 6 empty bottles

of Escuf cough syrup, 3 stolen motor bikes, 7 mobile sets and cash Rs.30,000/- were recovered and seized from their possession during raid. After verification of their antecedents police came to know that they were involved in NDPS cases also in the past.

[3] Based on the said FIR, Bishalgarh P.S Case No. 2021/BLG/02 under Section 401 IPC read with Section 21 (a)(b) and (c) and Sections 25, 27-A, 29 and 32, N.D.P.S Act, 1955 was registered and investigation was taken up.

[4] Heard Mr. B. N. Majumder, learned Sr. advocate assisted by Mr. S.C. Sen, learned advocate for the petitioner.

Heard Mr. Ratan Datta, learned Public Prosecutor representing the State-respondent.

[5] It is stated on behalf of the accused that he has been languishing in jail for about 29 days since his arrest on 28.03.2021. Learned Sr. counsel appearing for the petitioner submits that the FIR and the arrest memo of the petitioner read together, will indicate that while the other accused persons were arrested on the spot, the present accused was arrested much later. According to Mr. B. N. Majumder, learned Sr. counsel, it suggests that the accused was not present at time when the raid was conducted and the contraband was seized from the said premises. Further submission of Mr. B.N. Majumder, learned Sr. advocate is that the accused petitioner is a patient of chronic diabetes. Learned counsel has referred to various clinical documents which indicate that the

accused petitioner is a diabetic and he is also having other ailments for which few days after his arrest he had to be hospitalized. Learned sr. counsel also refers to the various orders of the trial Court wherein the illness of the accused petitioner and the fact of his hospitalization has been recorded. Learned Sr. counsel submits that for his better treatment, accused petitioner needs to be released on bail.

[6] Mr. Ratan Datta, learned Public Prosecutor opposes the bail application and argues that the allegation against the accused petitioner is serious. The materials produced by the investigating agency support his involvement in storage and smuggling of contraband and during police raid on the material date huge quantity of contraband was seized from the possession of the accused and his associates for which they were arrested and taken into custody. According to the learned P.P, in view of the seriousness of the offence and materials available in support of the offence, bail cannot be granted to the accused petitioner at this premature stage of investigation only on the ground of his illness.

[7] Considered the submissions of learned counsel for the parties and the materials available on record. A strong prima facie case has been made out against the accused petitioner. Considering the seriousness of the offence, the punishment prescribed therefor and the materials available against the accused petitioner, his bail application stands rejected. Jail authority will provide required

treatment to the petitioner during his detention. I.O is to expedite the investigation of the case.

[8] In terms of the above, the bail application is disposed of.

JUDGE

Dipankar

