

**HIGH COURT OF TRIPURA  
AGARTALA**

**A.B. No.05/2023**

Sri Apu Deb & another

..... Applicant(s).

**V E R S U S**

The State of Tripura

.....Respondent(s).

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For Applicant(s) : Mr. P. Sen Choudhury, Advocate.

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

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**HON'BLE THE CHIEF JUSTICE MR. APARESH KUMAR SINGH**

**Order**

**31/05/2023**

The matter was adjourned on 22.05.2023 for the learned counsel for the petitioners/applicants Mr. P. Sen Choudhury and also the learned Public Prosecutor Mr. Ratan Datta to seek instructions as to whether the petitioners/applicants are accused in other criminal cases as there was a specific averment in the FIR that the accused persons are ill-reputed and involved in dealing with contraband articles for long time.

Separate affidavits have been filed on behalf of both the petitioners/applicants. It appears therefrom that petitioner/applicant No.1 is an accused in connection with West Agartala Police Station case No.330 of 2019 under Sections 20(b)(ii)(B)/25/27(A)/29 of the NDPS Act, 1985 where he has been released on bail and the trial is underway. However, it has been stated on affidavit on behalf of the petitioner/applicant No.2 that he does not

have any criminal antecedent. Learned Public Prosecutor also does not dispute the statement made by the petitioner/applicant No.2 regarding criminal antecedent.

Heard Mr. P. Sen Choudhury, learned counsel for the petitioners/applicants and Mr. Ratan Datta, learned Public Prosecutor, on the prayer for grant of anticipatory bail in terms of Section 438 of the Cr.P.C. in connection with Sidhai P.S. case No.04/2022 registered on 15.01.2022 under Sections 20(b)(ii)(c)/29 of the NDPS Act, 1985.

Learned counsel for the petitioners/applicants submits that as per the F.I.R. lodged by the Sub-Inspector of Sidhai Police Station, he received a complaint on 15.01.2022 at 2210 hours, *inter alia*, alleging that on 14.01.2022 at night at about 2200 hours he got an information of road traffic accident near Mohanpur Degree College tri-junction on Agartala-Mohanpur main road. On visiting the spot he found the Maruti Alto vehicle bearing registration No.TR-04-A-0629 lying on the road side and two wheels of the rear side of the vehicle already broken and other body parts of the vehicle badly damaged. Accused persons were inside the vehicle when the accident happened and they got injuries and were shifted to AGMC & GBP Hospital, Agartala via Mohanpur CHC before arrival of the police. Because the wheels were broken, the vehicle had to be lifted through crane and shifted. He arranged for guarding of the vehicle by deploying staff at the

spot and on 15.01.2022 in the evening he arranged a JCB and managed to shift the vehicle at the police station and after shifting at the police station while he was doing proper checking inside the vehicle at the police station he recovered 5 (five) nos. of packets of suspected dry ganja totaling 22.5 Kgs. and 180 nos. of Yaba tablets from below the rear side seat of that vehicle which was measured in an electronic weight machine and seized in presence of witnesses. On observing all formalities, it transpired that the present accused persons were carrying the contraband articles illegally for selling inside the vehicle. Both the accused persons are ill-reputed and involved in dealing with contraband articles for long time. Therefore, based on these allegations, Sidhai Police Station case No.4/2022 was registered under Sections 20(b)(ii)(c)/29 of the NDPS Act, 1985.

Learned counsel for the petitioners/applicants then submits that the petitioners/applicants have been falsely implicated in this case and there is conscious delay in institution of the counter case filed by the petitioners/applicants in respect of the motor vehicle accident that took place at the same time in which the vehicle in which the petitioners/applicants were travelling was badly damaged and petitioners/applicants also suffered serious injuries. The investigating agency has thereafter taken the vehicle to the police station and later on, on the next date it is alleged that on search, contraband articles were recovered from inside the vehicle. As such, the

contraband articles have been implanted to falsely implicate the petitioners/applicants. Therefore, petitioners/applicants may be granted the privilege of anticipatory bail.

Learned Public Prosecutor has strongly opposed the prayer. It is submitted that the investigating agency has on an information reached at the place of accident and thereafter towed the Alto car belonging to the petitioners/applicants to the police station next day evening when it was searched properly and the contraband articles were found from inside the vehicle. It is submitted that the petitioner/applicant No.1 has a criminal antecedent and as such, both the petitioners/applicants may not be granted the privilege of anticipatory bail as the offence is serious in nature.

I have considered the submissions of learned counsel for the parties and taken note of the allegations made in the F.I.R. and the counter case said to have been filed by the petitioners/applicants being Sidhai P.S. case No.08 of 2022 under Sections 279/325/427/34 of the IPC.

Regard being had to the totality of the facts and circumstances, since the petitioner/applicant No.1 namely Sri Apu Deb has criminal antecedent, I am not inclined to grant him the privilege of anticipatory bail. Petitioner/ applicant No.1 is directed to surrender before the learned Court of Special Judge, West Tripura, Agartala for regular bail within a period of two weeks.

However, petitioner/applicant No.2 namely Sri Sagar Saha who was also travelling in the same car and has suffered injury due to the accident does not have any criminal antecedent. As such, I am inclined to grant him the privilege of anticipatory bail, in the event of his arrest or surrender, on his furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties each of the like amount to the satisfaction of the learned Special Judge, West Tripura, Agartala in connection with Sidhai P.S. case No.04/2022. Petitioner/applicant No.2 and his bailors shall submit their Aadhaar Cards, mobile numbers and the passports, if any, at the time of release of applicant No.2.

Needless to say, the petitioners/applicants shall cooperate in the investigation.

The anticipatory bail application stands disposed of.

(APARESH KUMAR SINGH), CJ

PULAK BANIK Date: 2023.06.02  
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