

**HIGH COURT OF TRIPURA**  
**AGARTALA**  
**BA 56 OF 2023**

**Sri Ashik Debbarma**, S/o Shri Sambhuras Debbarma,  
Resident of Bainka Para, Batibari Panchayat,  
P.S. Madhupur, Dist-Sepahijala.

... Applicant

**On behalf of**

**Sri Sambhuras Debbarma**,  
S/o Lt. Mangal Debbarma, resident of Bainka Para,  
P.S. Madhupur, Dist-Sepahijala

...Accused

**Vrs**

**The State of Tripura**

For the applicant (s) : Mr. T. Datta Majumder, Sr. counsel,  
Mr. T. Halam, Advocate,  
Mr. D. Kalai, Advocate.

For the respondent(s) : Mr. Raju Datta, P.P.,  
Mr. S. Debnath, Addl. P.P.

**HON'BLE MR. JUSTICE ARINDAM LODH**

**22.12.2023**

**Order**

Heard Mr. T. Datta Majumder, learned senior counsel assisted by Mr. T. Halam and Mr. D. Kalai, learned counsel appearing for the applicant. Also heard Mr. S. Debnath, learned Addl. P.P. led by Mr. Raju Datta, learned P.P. appearing for the State-respondent.

This is an application filed by the applicant Shri Ashik Debbarma praying for bail of the accused Sri Sambhuras Debbarma who is in jail custody in connection with Madhupur P.S. Case No.2023/MDP/014 registered under Sections 20(b)(ii)(c)/25 of the NDPS Act,1985.

Mr. Datta Majumder, learned senior counsel appearing for the applicant has submitted that the father of the accused, namely, Mangal Debbarma has died. But, his son, i.e. the accused Sambhuras Debbarma has been in jail custody at present in connection with an NDPS Case and if he is not released on bail, then, the rituals of his father cannot be performed. The present applicant who is the son of Sri Sambhuras Debbarm has filed this

application seeking bail of the accused for a limited period so as to perform the rituals of the father of the accused.

Before the Court, Mr. Debnath, learned Addl. P.P. could not produce any guideline for releasing an accused who is in custody on parole during the course of investigation. However, there is a guideline for releasing a convict on parole. The Hon'ble Supreme Court in a catena of decisions has granted custody-parole to an accused when a member of the prisoner's family had died or was seriously ill or the prisoner himself was seriously ill.

In the instant case, it is an admitted position that the father of the accused has died and it is submitted that there is none in the family to perform the rituals.

In view of this, I direct the respondent-State/Jail authority to release the accused Sambhura Debbarma on custody-parole for a period of **14 days** from today and he shall surrender to the Jail Superintendent, Central Jail, Bishalgarh on **4<sup>th</sup> January, 2024 by 12:00 hours.**

It is further directed that the O.C., Madhupur P.S. shall always keep strong vigil upon the movement of the accused Sambhura Debbarma during the period of his custody-parole.

If the accused Sambhura Debbarma does not surrender on 4<sup>th</sup> January, 2024 by 12:00 hours, then, the O.C., Madhupur P.S. shall arrest the accused and send him to jail.

Inform O.C. accordingly.

The above order is not passed on merits, but, on humanitarian consideration.

A copy of this order be furnished to learned counsel appearing for the parties during the course of the day.

With above directions, the instant bail application stands allowed and disposed.

**JUDGE**