

**HIGH COURT OF TRIPURA  
AGARTALA**

**B.A. 32/2024**

Abdul Sagar on behalf of accd. Md. Mahabul Alam

----Applicant(s)

Versus

The State of Tripura

----Respondent(s)

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For Applicant(s)	:	Mr. J. Bhattacharjee, Advocate
For Respondent(s)	:	Mr. Raju Datta, PP

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

**31/05/2024**

Heard Mr. J. Bhattacharjee, learned counsel appearing for the applicant. Also heard Mr. Raju Datta, learned PP appearing for the respondent-State.

This is an application filed under Section 439 read with Section 167(2)(a)(i) of the Cr.P.C., 1973, for granting default bail to the custody-accused person, Mahabul Alam, as he accrued his indefeasible right after expiry of 180 days from his arrest/detention in connection with Kamalpur PS case No. 2023/KMP/034, registered under Sections 22(C), 25, 29 of the NDPS Act, 1985.

Yesterday the matter was heard when learned counsel appearing on behalf of the accused has submitted that the accused has been in custody for the last 315 days, so, he is entitled to be released on default bail.

On the other hand, learned PP, yesterday had disputed the said submission as advanced by learned counsel for the accused.

The background facts of the case, are that, the accused, Mahabul Alam was arrested in connection with Kamalpur PS case no. 2023 KMP 034 (NDPS) registered under Sections 22(1)/25/29 of the NDPS Act. Learned Special Judge, Kamalpur, Dhalai, by its

order dated 26.05.2023 allowed the bail application submitted by the accused, Mahabul Alam.

The said bail order was challenged by the State of Tripura which was registered as B.A. 23 of 2023 before this court. Upon hearing the learned counsel appearing for the parties, this court by order dated 27.09.2023 had cancelled the said bail order.

Now, the question is whether the accused Mahabul Alam was produced before the concerned Special Judge after cancellation of bail in connection with Kamalpur PS case No. 34 of 2023.

As I said earlier, since learned PP had disputed that the accused, Mahabul Alam has been in custody for 315 days, this court had passed a direction upon the learned PP to seek instruction from the Investigating Officer or from the Jailor as to whether on such cancellation of bail, the accused was produced before the concerned Special Judge.

Today, learned PP has placed a report before this court where from it is revealed that the accused, Mahabul Alam was not produced before the concerned Special Judge after cancellation of his bail since he was in custody in connection with another case.

In this matter, law is well settled that whenever an order of bail is cancelled, the accused has to be produced before the concerned court even though he is in custody in connection with any other case.

In the instant case, as I observed earlier, the accused, Mahabul Alam was not produced before the learned Special Judge

after such cancellation of bail, and learned PP has fairly submitted that the accused was produced before the learned Special Judge on 11.03.2024, which means that he was not produced before the concerned Special Judge just after cancellation of his bail. So, it is evident that the accused, Mahabul Alam has been in custody for 315 days beyond the statutory period of 180 days and in the meantime, charge-sheet also has not been filed.

In such a situation, the accused is entitled to be released on default bail.

Accordingly, the accused, **Mahabul Alam** is directed to be released on default bail on furnishing a bond of **Rs.2,00,000/- (rupees two lakh)** with **2(two) sureties** of the like amount to the satisfaction of learned Special Judge, Kamalpur, Dhalai Judicial District.

However, it is directed that the accused shall not leave the jurisdiction of Dhalai District without prior permission of learned Special Judge, Kamalpur, Dhalai Judicial District. It is further directed that the accused shall make himself available before the Officer-in-Charge of Kamalpur police station twice in a week and shall co-operate with the process of investigation.

With the above observation and direction, the instant bail application stands allowed and thus disposed.

**JUDGE**