

**HIGH COURT OF TRIPURA
AGARTALA
BA No.85 of 2025**

Jahenara Begam,
Wife of Ful Miah,
Resident of Ward No.09,
Indranagar, VTC: Melaghar,
District: Sepahijala, Tripura 799 115

**---Petitioner on
behalf of accused
person in Custody**

Abul Kalam,
Son of Ful Miah,
Resident of Ward No.09,
Indranagar, VTC: Melaghar,
District: Sepahijala, Tripura 799 115

---Accused Person

-Vs-

The State of Tripura
Represented by the Ld. Public Prosecutor,
High Court of Tripura, Agartala

---Respondent

For Applicant(s)	:	Mr. Siraj Ali, Adv, Mr. Tushar Ali, Adv.
For Respondent(s)	:	Mr. Rajib Saha, Addl. P.P.

HON'BLE MR. JUSTICE BISWAJIT PALIT

Order

26/09/2025

This bail application under Section 439 of Cr.P.C. is filed for granting bail to the accused in custody namely Abdul Kalam who is languishing in jail in connection with Kailashahar PS Case No.2023/KLS/143 for the offence punishable under Section 20(b)(ii)(c)/25/29 of NDPS Act.

Heard Learned Counsel Mr. S. Ali appearing for the accused in custody and also heard Learned Addl. P.P. Mr. R. Saha appearing for the State-respondent.

Received the record from the Learned Trial Court and also Learned Addl. P.P. has produced the Case Diary.

At the time of hearing, Learned Counsel drawn the attention of this Court that in this case ground of arrest was not communicated at the time of arrest to the accused. So for non-communication of ground of arrest the accused is entitled to be released on bail. Learned Counsel further submitted that prosecution upto this stage has adduced 8(eight) numbers of witnesses before the Learned Trial Court out of 11(eleven) numbers of witnesses but from the evidence on record no incriminating evidence has been revealed against the accused. So, considering the materials on record, Learned Counsel urged for releasing the accused on bail in any condition. In support of his contention, Learned Counsel referred few citations of the Hon'ble Supreme Court of India.

On the other hand, Learned Addl. P.P. has appeared and submitted that the next date of this case is fixed on 05.11.2025 and 06.11.2025 and by this time prosecution has produced in total 8(eight) numbers of witnesses out of 11(eleven) numbers of witnesses. So, if at this stage the accused is released on bail there is every chance of his absconsion. So, considering the nature and gravity of this case, Learned Addl. P.P. urged for issuing a direction to Learned Special Judge to dispose of the case within a stipulated period and urged for dismissal of the bail application.

I have heard both the sides at length and perused the record.

It is the admitted position that 8 (eight) numbers of witnesses have already been examined by Learned Special Judge and the case is pending for recording evidence of rest 3(three)

other witnesses and by this time the Learned Trial Court has issued summons upon the witnesses fixing the next date on 05.11.2025 and 06.11.2025. However, considering the facts and circumstances, at this stage, I am not inclined to release the accused on bail. Accordingly, his bail application stands rejected.

Certain citations were referred by Learned Counsel for the accused but the same are not considered at this stage and on the basis of non-communication of ground of arrest as alleged by Learned Counsel appearing for the accused in custody, at this stage also I do not find any scope to grant bail to the accused. However, Learned Special Judge be asked to complete the process of trial latest by 31st January, 2026.

With this observation this bail application stands disposed of.

Send down the record along with a copy of this Order for information and compliance.

Return back the CD to the I.O. through Learned Addl. P.P. along with a copy of this order.

JUDGE

सत्यमेव जयते