

HIGH COURT OF TRIPURA

A G A R T A L A

BA No.26 of 2026

Smt. Absana Prabin Begam,

Wife of Sri Salim Uddin Ahammed, aged about 36 years, resident of Natun Kanchanpur, P.S. Kachudaram, State Assam, District Cachar; Present address 121 BN BSF, HQ Boagafa, as a Constable, Santirbazzar, South Tripura District.

For and behalf of

Sri Salim Uddin Ahammed,

Son of Lt. Niaj Uddin Ahammed, aged about 36 years, resident of Natun Kanchanpur, P.S. Kachudaram, State Assam, District Cachar; Present address 121 BN BSF, HQ Boagafa, as a Constable, Santirbazzar, South Tripura District.

..... Accused Petitioner(s)

– V e r s u s –

The State of Tripura

.....Respondent(s)

For the Petitioner(s)	:	Mr. Debalay Bhattacharya, Senior Advocate. Mr. Agniva Chakrabarti, Advocate. Mr. Samar Das, Advocate.
For the Respondent(s)	:	Mr. Raju Datta, P.P.
Date of Hearing & delivery of Judgment and Order	:	23rd February, 2026.
Whether fit for reporting	:	NO

HON'BLE MR. JUSTICE S. DATTA PURKAYASTHA

JUDGMENT & ORDER (ORAL)

Heard learned counsel of both sides.

[2] The petitioner, Sri Salim Uddin Ahammed through his wife Smt. Absana Prabin Begam is seeking bail in connection with R.K. Pur P.S. case No.168 of 2025 registered under Sections 21(b)/29 of the NDPS Act, 1985.

[3] Allegations in the FIR are that the petitioner along with two other persons were apprehended on 05.11.2025 at Udaipur Railway Station based on a secret information while they were talking with each other. The present petitioner is a BSF personnel and was found in olive colour inform at that time. In presence of the OC of the police station and the SDPO, Udaipur, they were

searched and total 128.7 gm of alleged heroin was recovered, out of which 51.5 gm of such contraband item was recovered from the possession of the present petitioner. Thereafter, those items were seized and they were arrested and police proceeded for investigation.

[4] Finally, on completion of the investigation, police filed charge sheet against the present petitioner and also against said two other accused persons namely, Sajmul Islam and Farid Aktar under Sections 21(b)/29 of the NDPS Act. The investigating officer also filed a petition for custody trial of the present petitioner and said co-accused persons on the grounds that-

- (i) if they are released on bail, they may abscond elsewhere,
- (ii) they may influence prosecution witnesses either with muscle power or money power.
- (iii) they would flee away to their home State, Assam as they hail from that State and they have their previous history of multiple visits in different Indian states.

[5] Learned Special Judge allowed said petition for custody trial vide order dated 29.01.2026 which is also challenged in this proceeding. Learned Special Judge in support of his view of custody trial of the accused persons has observed that the accused persons are resident of neighbouring State Assam and they are involved in serious offence of trafficking of narcotic items in Tripura and one of them is also BSF personnel and therefore, considering the allegations levelled against them and their conduct, prayer for custody trial is allowed.

[6] Mr. Debalay Bhattacharya, learned senior counsel for the petitioner submits that already charge-sheet is laid in this case and therefore, for the purpose of investigation, detention of the present accused is not required and moreover, he is a BSF personnel and therefore, chance of his abscondence is very remote. Mr. Bhattacharya, learned senior counsel also relies on a decision of High Court of Jammu & Kashmir and Ladakh in case of **Mukhtar Ahmed vs. Union Territory of J&K and another (Bail App No.262 of 2024)** decided on 07.04.2025. Said case was also a case of intermediate quantity of contraband items wherein charge-sheet was submitted and in said case, the accused was

detained for more than 6 (six) months. Considering these aspects, the High Court granted bail to the accused person imposing certain conditions. Learned senior counsel also further relies on another decision of Himachal Pradesh High Court in case of **Ugma Ram vs. State of Himachal Pradesh [Cr.MP(M) No.2098 of 2025]** where the petitioner was arrested on 28.07.2025 for having possession of 7.033 kgs of poppy husk recovered from his car. The quantity of seized narcotic item was less than commercial quantity. Finally, the High Court observed that the petitioner had no criminal antecedent and no other FIR was registered against him and he was a first offender. Finally, bail was granted to him with certain condition on 27.10.2025.

[7] Mr. Raju Datta, learned P.P., however, opposes the bail prayer submitting that the accused person being a member of disciplined force has been involved in drug trafficking and therefore, serious view may be taken against him and moreover, prima facie materials are also there regarding recovery of contraband items from his possession. Learned P.P. further submits that if he is released on bail, chance of his abscondence is prominent. Learned P.P. has also relied on a decision of a Coordinate Bench of this High Court in the case of **State of Tripura, represented by the Secretary to the Government of Tripura vs. Mijanur Rahaman; 2024 SCC OnLine Tri 447**. In said case, relating to commercial quantity of contraband item, bail was granted by the learned Special Judge wherein charge-sheet was already submitted by the police authority. While taking note of the provision of Section 37 of the NDPS Act, the Court observes that mere filing of charge-sheet is not a ground at all or has no persuasive value to grant bail to the accused of allegedly committing offence under the penal provisions of NDPS Act. It is also observed therein that the materials available on records do not suggest anything that there are reasonable grounds to believe that he is not guilty of committing the alleged offence under Sections 20(b)(ii)(C)/25/29 of the NDPS Act and therefore, the bail granted by the learned Special Judge is finally cancelled.

[8] This Court has considered the submissions of both sides.

[9] The decision as referred by learned P.P. is not applicable in the present case as it was a case relating to commercial quantity of contraband item. As the rigour of Section 37 of the NDPS Act unlike said case is not applicable in the case in hand, general rules regarding grant or rejection of bail will be applicable

here. Hon'ble Supreme Court in case of ***Prahlad Singh Bhati vs. NCT, Delhi and another; (2001) 4 SCC 280*** at paragraph No.8 held as under.

“8. The jurisdiction to grant bail has to be exercised on the basis of well-settled principles having regard to the circumstances of each case and not in an arbitrary manner. While granting the bail, the court has to keep in mind the nature of accusations, the nature of evidence in support thereof, the severity of the punishment which conviction will entail, the character, behaviour, means and standing of the accused, circumstances which are peculiar to the accused, reasonable possibility of securing the presence of the accused at the trial, reasonable apprehension of the witnesses being tampered with, the larger interests of the public or State and similar other considerations. It has also to be kept in mind that for the purposes of granting the bail the legislature has used the words “reasonable grounds for believing” instead of “the evidence” which means the court dealing with the grant of bail can only satisfy it (sic itself) as to whether there is a genuine case against the accused and that the prosecution will be able to produce prima facie evidence in support of the charge. It is not expected, at this stage, to have the evidence establishing the guilt of the accused beyond reasonable doubt.”

[10] In the present case, charge-sheet is submitted under Sections 21(b)/29 of the NDPS Act. Therefore, maximum prescribed punishment for the offence is rigorous imprisonment for upto 10 years with fine which may extend to one lakh rupees. No doubt, involvement in trafficking of narcotic items is a serious offence having adverse impact on the society, however, in the case in hand, the present petitioner is a government employee and therefore, chance of his abscondence is very remote. He is a man from Assam and except two witnesses cited in the charge-sheet all other witnesses are government officials and said two private witnesses are also residents of Udaipur. The place of posting of the present petitioner is at BSF Camp, Bagafa. Therefore, chance of influencing the witnesses by him is also not much grave. For a considerable period i.e. after his arrest on 05.11.2025, he is in custody. Considering all these aspects, the bail prayer of the present petitioner namely, Sri Salim Uddin Ahammed is allowed, however, by imposing certain stringent conditions.

[11] He shall be released on bail by learned Special Judge, Gomati on submission of bond of Rs.50,000/- with two sureties or of Rs.1,00,000/- with one surety of like amount to the satisfaction of the learned Special Judge with the following conditions:

- (i) The sureties must be permanent residents of Tripura.

(ii) He will not leave the State of Tripura without permission of learned Special Judge, Gomati and after any such special permission is granted by learned Special Judge, the accused will bring the same to the notice of his Departmental Authority forthwith, before leaving the State. Such permission can be accorded by learned Special Judge only on any special ground.

(iii) The accused will not try to make any contact with any of the witness of the case and will not anyway try to terrorize or influence them.

(iv) He will deposit his passport, if any, in the Court of learned Special Judge, Gomati within fifteen days of his release and in case, if he does not have any such passport, he will submit an affidavit to that effect to the learned Special Judge within that period.

(v) He will regularly attend the Court to face trial and will not create any inconvenience in the smooth trial of the case.

With such observations and directions, the bail application is disposed of.

Send a copy of this order to learned Special Judge immediately.

Copy of this order be sent to the Commandant, BSF, Bagafa.

Reconsign the LC record to the learned Trial Court.

Pending application(s), if any, shall also stand disposed of.

JUDGE