**HIGH COURT OF TRIPURA**
**AGARTALA**

**B.A.No.59 of 2024**

Smt. Sangita Debbarma on behalf of accused
Shri Pranesh Debbarma and Anr.

----Applicant(s)

Versus

The State of Tripura

----Respondent(s)

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For Applicant(s) : Mr. S. Lodh, Adv.
For Respondent(s) : Mr. Raju Datta, P.P.

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**HON'BLE MR. JUSTICE BISWAJIT PALIT**

**Order**

**12/11/2024**

Learned counsel, Mr. S. Lodh is present for the applicant in custody who at this stage submitted that in pursuance of the direction of the Hon'ble Supreme Court of India in **Jagmohan Bahl and Another versus State (NCT of Delhi) and Another** reported in **(2014) 16 SCC 501** the matter needs to be heard by the same Judge who earlier heard the bail application of the same accused persons and was pleased to reject the same. He referred para-15 of the said judgment which is as follows :

> **"15. In the instant case, when the Sixth Additional Sessions Judge had declined to grant the bail application, the next Fourth Additional Sessions Judge should have been well advised to place the matter before the same Judge. However, it is the duty of the prosecution to bring it to the notice of the Judge concerned that such an application was rejected earlier by a different Judge and he was available. In the entire adjudicatory process, the whole system has to be involved. The matter would be different if a Judge has demitted the office or has been transferred. Similarly, in the trial court, the matter would stand on a different footing, if the presiding officer has been superannuated or transferred. The fundamental concept is, if the Judge is available, the matter should be heard by him. That will sustain the faith of the people in the system and nobody would pave the path of forum-shopping, which is decryable in law."**

Learned P.P. did not raise any objection.

So, considering all and having perused the same it appears that earlier the matter was heard by Hon'ble Mr. Justice A. Lodh and his Lordship was pleased to dispose of the bail application vide No.48 of 2024 dated 24.09.2024 arising out of Case No.Special (NDPS) 03 of 2024 in connection with Fatikroy P.S. Case No.2023/FTK/015 under Sections 20(b)(ii)(C)/25/29 of NDPS Act.

In view of the above direction of Hon'ble Supreme Court, the Registrar(Judicial) be asked to place the matter before his Lordship for further proceeding.

**JUDGE**





*Sabyasachi B*