

IN THE HIGH COURT OF MANIPUR

AT IMPHAL

Cril.Petn. No. 2 of 2023

Tampakmayum Harun Khan, aged about 29 years, S/o Md. Abdullah of Yairipok Laimanai, P.O. Yairipok, P.S. Andro, District: Imphal East, Manipur.

..... *Petitioner/s*

- Versus -

The Officer-in-Charge, Yairipok Police Station at Yairipok, P.O. & P.S. Yairipok, Imphal East District, Manipur.

.....*Respondent/s*

B E F O R E

HON'BLE MR. JUSTICE A. GUNESHWAR SHARMA

For the petitioner	::	Mr. Th. Babloo, Advocate.
For the respondents	::	Mr. H. Samarjit, PP.
Date of Hearing	::	28.02.2023
Date of Judgment & Order	::	31.03.2023

Judgment & Order (CAV)

[1] The petitioner has filed the present petition under Section 482 of the Code of Criminal Procedure (Cr.P.C.) challenging the impugned order dated 04.11.2022 passed by the Ld. Special Judge (ND&PS), Thoubal, Manipur in Cril. Misc. Case No. 330 of 2022 in connection with FIR No. 17(06)2022 YPK-PS U/S 22(C)/60(3) ND & PS Act. By the impugned order, the Ld. Special Judge allowed the application under

Section 36-A(4) ND & PS Act filed by the prosecution for extending the period of detention of the accused/petitioner beyond 180 days, i.e. upto one year.

[2] The prosecution story is that on 07.06.2022 at about 12:05 pm a joint team of Commando Unit Thoubal PS detained a Hyundai Santro car blue in colour driven by the petitioner bearing registration No. MN1A 8368 at Yairipok Bazar. From the possession of the petitioner, one polythene bag containing 300 WY tablets was seized from him and he was arrested with respect to the above mentioned FIR.

[3] On completion of the statutory period of 180 days of judicial custody, the petitioner through his counsel filed an application for grant of default bail and approached the Court of Ld. Special Judge NDPS, Thoubal on 08.12.2022. However, the counsel was informed by the Ld. Public Prosecutor that custody period of the petitioner was extended by the Ld. Special Court by the impugned order dated 04.11.2022 and as such, the default bail application was rejected. It is stated that the petitioner did not know the existence of the impugned order dated 04.11.2022 extending his custody for the period of one year, since no notice was given to the petitioner by the Ld. Special Court nor the prosecution. No copy of the application for extension of custody period filed in CrI. Misc. Case No. 330 of 2022 was also furnished to him by the authorities.

[4] The impugned order dated 04.11.2022 has been challenged on the following grounds that:

- (i) The Ld. Court below had not applied mind while passing the impugned order dated 04.11.2022 and the same has been passed perfunctorily and in a routine manner just on the application of the police and as such the impugned order dated 04.11.2022 passed in Crl. Misc. Case No. 330 of 2022 deserves to be quashed and set aside;
- (ii) No copy of the application filed in Crl. Misc. Case No. 330 of 2022 for grant of extension of custody period was served/furnished to the petitioner before passing the impugned order. As such the impugned order deserves to be quashed and set aside for non-compliance of principles of natural justice;
- (iii) Even assuming that copy of the application was furnished to the petitioner, would not be sufficient for the Ld. Court below to pass the impugned order without the production and the presence of the accused petitioner to pass the order extending the custody period. As such the impugned order dated 04.11.2022 deserves to be quashed and set aside;
- (iv) It is provided under the provisions of Section 36-A(4) NDPS Act that in respect of persons accused of an offence punishable U/S 27-A of the Act or for offences involving commercial quantity the reference in Sub-

Section (2) of Section 167 Cr.P.C. thereof to “ninety days” where they occur shall be construed as reference to “one hundred and eighty days”

- (v) Under the provision of Proviso to Section 36-A(4) of the NDPS Act, it is provided that if it is not possible to complete the investigation within the period of 180 days, the Spl. Court may extend the period to one year on the report of the Public Prosecutor indicating the progress of the investigation and the specific reason for the detention of the accused beyond the period of 180 days;
- (vi) In the present case the mandatory provision/procedure under the provision of Proviso to Section 36-A(4) of the NDPS Act is not followed inasmuch as the Ld. PP had not applied his mind to the report of the police and never formed opinion and the so called report of the PP is verbatim reproduction of the report of the I.O. As such the impugned order dated 04.11.2022 is vitiated and deserves to be quashed and set aside;
- (vii) The impugned order dated 04.11.2022 passed by the Ld. Court below in Crl. Misc. Case No. 330 of 2022 is otherwise quite illegal arbitrary and whimsical and as such deserves to be quashed and set aside.

[5] It is prayed that the impugned order dated 04.11.2022 be set aside and the petitioner be released on default bail.

[6] The respondent has filed counter affidavit to the petition filed by the petitioner. It is stated that a copy of the application being Crl. Misc. Case No. 330 of 2022 (for extension of period of custody) was delivered to jail authority on 29.10.2022 and the same was received by the jail authority for furnishing the same to the petitioner. As such, it is denied that no notice was given to the petitioner.

[7] It is further stated in para 9 of the reply of the respondent that a copy of the application for extension of time was served on the jailor and was furnished to the petitioner and his signature was also seen on the application [Annexure R-1 (same as P-4)]. Hence there is a presumption that the petitioner was served with a copy of the application. It is also denied that the mandatory provisions/procedures of Section 36-A(4) ND & PS Act are not followed by the Ld. PP and the report of the Ld. PP is verbatim reproduction of the report of the I.O. It is prayed that the petition be dismissed as being devoid of any merit.

[8] Heard Mr. Th. Babloo, learned counsel for the petitioner and Mr. H. Samarjit, learned PP for the State respondent.

[9] Mr. Th. Babloo, learned counsel for the petitioner, submits that the impugned order dated 04.11.2022 is vitiated for not following the mandatory provisions of Section 36-A(4) of ND & PS Act. He further

submits that the Proviso to Section 36-A(4) of the NDPS Act stipulates that if the investigation cannot be completed within the period of 180 days, the Special Court may extend the period of investigation upto one year on the report of the Public Prosecutor indicating the progress of the investigation and the specific reason for detention of the accused beyond the period of 180 days.

Before deciding an application filed under these Provisions, the Special Court has to issue notice to the accused and his presence is required while considering the application. It is also stated that the Public Prosecutor is to give his independent reason for filing the application for extension of time and the same ought not to be verbatim reproduction of the report of the investigating officer. He has pointed out that in the present case, the notice was served to the jail authority only and the accused was not produced at the time of hearing and he was not aware of passing of the impugned order for extension of time for investigation. From Annexure R-1, it is not clear whether the report/application for extension of time was actually served on the petitioner or not. Moreover, the Ld. PP has not applied his mind and the application, being Cril. Misc. Case No. 330 of 2022 filed by the Ld. PP, is verbatim reproduction of the report of the IO. It is the short submission of Mr. Th. Babloo, learned counsel for the petitioner that presence of the accused (physical or virtual) is mandatory while considering the report/application of the Ld. PP and non-application of mind by the Ld. PP while presenting the application flouted the statutory safeguards.

Mr. Th. Babloo, learned counsel for the petitioner, refers to the Judgment and order dated 23.09.2022 passed by the Division Bench of the Hon'ble Supreme Court in Criminal Appeal No. 1656 of 2022 in the case of **Jigar @ Jimmy Pravinchandra Adatiya vs. State of Gujarat** reported as **2022 SCC Online 1290** at paras 29, 35 and 38. This case involves the interpretation of Section 20(2) of the Gujarat Control of Terrorism and Organised Crime Act, 2015 which modifies Section 167(2) CrPC extending the period of investigation beyond 90 days upto a period of 180 days. The provisions of Section 20(2) of the Gujarat Act of 2015 is pari materia with the provisions of Section 36-A(4) of NDPS Act. It is held in **Jigar case (supra)** that the extension of time for investigation amounts to deprivation of indefensible right available to accused to claim a default bail and failure to produce the accused before the Court and to inform him about application for extension of time may amount to violation of right confers under Article 21 of the Constitution. The failure to procure the presence of the accused either physical or virtually before the Court and the failure to inform about the application filed by the Prosecutor for extension of time which is being considered is not a mere procedural irregularity and the same is gross illegality that violates the right of the accused under Article 21 of the Constitution. The relevant portion of paras 30 and 31 reads as under:

“30. The logical and legal consequence of the grant of extension of time is the deprivation of the indefeasible right available to the accused to claim a default bail. If

we accept the argument that the failure of the prosecution to produce the accused before the Court and to inform him that the application of extension is being considered by the Court is a mere procedural irregularity, it will negate the proviso added by sub-section (2) of Section 20 of the 2015 Act and that may amount to violation of rights conferred by Article 21 of the Constitution. The reason is the grant of the extension of time takes away the right of the accused to get default bail which is intrinsically connected with the fundamental rights guaranteed under Article 21 of the Constitution. The procedure contemplated by Article 21 of the Constitution which is required to be followed before the liberty of a person is taken away has to be a fair and reasonable procedure. In fact, procedural safeguards play an important role in protecting the liberty guaranteed by Article 21. The failure to procure the presence of the accused either physically or virtually before the Court and the failure to inform him that the application made by the Public Prosecutor for the extension of time is being considered, is not a mere procedural irregularity. It is gross illegality that violates the rights of the accused under Article 21.

31. An attempt was made to argue that the failure to produce the accused will not cause any prejudice to him. As noted earlier, the grant of extension of time to complete the investigation takes away the indefeasible right of the accused to apply for default bail. It takes away the right of the accused to raise a limited objection to the prayer for the extension. The failure to produce the accused before the Court at the time of consideration of the application for extension of time

will amount to a violation of the right guaranteed under Article 21 of the Constitution. Thus, prejudice is inherent and need not be established by the accused.”

Mr. Th. Babloo, learned counsel, also relies upon the judgment and order dated 17.01.2023 passed by a Full Bench of the Calcutta High Court in a batch of petitions being C.R.M. No. 146 of 2021 in the case of **Subhas Yadav vs. The State of West Bengal**, etc., which held that the Special Court on the basis of the report of the Public Prosecutor and the material in support of such plea was satisfied of the twin requirement that there is appreciable progress in the investigation and there is specific and compelling reason to justify further detention pending investigation and the accused or his counsel must be present personally or through video linkage at the time of consideration of the application. The relevant portion is reproduced herein below:

“30. 1.

.....
8. No written notice or copy of report of Public Prosecutor requires to be served upon the accused or his counsel but the accused or his counsel must be present personally or through video linkage at the time of consideration of the application. Accused and/or his counsel must be aware of such consideration and may raise objection, if any, with regard to compliance of mandatory requirements of law.”

Further, Mr. Th. Babloo, learned counsel, also relies upon the judgment of the Hon'ble Supreme Court in the case of **Hitendra Vishnu Thakur & Ors. vs. State of Maharashtra & Ors.** reported as **(1994) 4 SCC 602** to the effect that it is the Public Prosecutor, not an Investigating Officer, who has to make an application for extension of time with the report indicating the progress of investigation. He further relies upon the judgment the Constitution Bench of the Hon'ble Supreme Court in the case of **Sanjay Dutt vs. State through CBI, Bombay (II)** reported as **(1994) 5 SCC 410** which held that production of the accused before the Court in accordance with Section 167 will be sufficient requirement of notice to the accused before grant of extension of time of investigation. The relevant portion is reproduced herein below:

“53.

2(a). Section 20(4)(bb) of the TADA Act only requires production of the accused before the court in accordance with Section 167(1) of the Code of Criminal Procedure and this is how the requirement of notice to the accused before granting extension beyond the prescribed period of 180 days in accordance with the further proviso to clause (bb) of sub-section (4) of Section 20 of the TADA Act has to be understood in the Judgment of the Division Bench of this Court in Hitendra Vishnu Thakur. The requirement of such notice to the accused before granting the extension for completing the investigation is not a written notice to the accused giving reasons therein. Production of

the accused at that time in the court informing him that the question of extension of the period for completing the investigation is being considered, is alone sufficient for the purpose.”

The learned counsel for the petitioner submits that in the present case, neither the accused/his counsel could appear before the Court physically nor virtually while considering the application for extension of time, as they were not duly informed. He further emphasized that the learned PP has not applied his mind to the satisfaction of the case and the main ground for extension is concealment of identity of one co-accused and non-completion of forensic report. He further points out that the learned PP has not applied his independent mind and simply reproduced the report submitted by I.O. Moreover, the Ld. Special Court extended the period of investigation only on the ground that the present case involved seizure of suspected WY tablet of commercial quantity. He prays that the impugned order be set aside, and the accused be set at liberty on default bail, as the present case violates the principle settled by the Apex Court and various High Courts in the cases cited above.

[10] Mr. H. Samarjit, learned PP for the State, submits that notice was served to the accused through jailor prior to the hearing and non-production of the accused and non-appearance of his counsel cannot be faulted. The notice was duly served to the jail authority on 29.10.2022 and the same was furnished to the accused on the same day. As such, there is no illegality in the impugned order. He further submits that the present case

involves seizure of suspected WY tablets of commercial quantities and the accused is concealing the identity whereabouts of the co-accused, who is habitual offender and not co-operating with the investigation. In the present case many co-accused and drug cartel are absconding and if the accused is released, he may abscond or may be eliminated by the cartel. As such, extension of time for investigation is justified.

He relies upon the judgment of the Hon'ble Supreme Court in the case of **Sanjay Kumar Kedia Alias Sanjay Kedia vs. Intelligence Officer, Narcotics Control Bureau & Anr.** reported as **(2009) 17 SCC 631**, which held that the period of 180 days for investigation can be extended to one year under the Proviso to Section-36A(4) of ND & PS Act with the condition that a report of the Public Prosecutor indicating progress of the investigation and specifying the compelling reason for seeking detention beyond 180 days and after noticed to the accused. Learned PP submits that the conditions laid down in this cited case are complied and there is no illegality in the present case and he prays for dismissing the petition. The relevant portion is reproduced herein below:

"12. The maximum period of 90 days fixed under [Section 167 \(2\) of the Code](#) has been increased to 180 days for several categories of offences under the Act but the proviso authorizes a yet further period of detention which may in total go upto one year, provided the stringent conditions provided therein are satisfied and are complied with. The conditions provided are:

(1) a report of the public prosecutor, (2) which indicates the progress of the investigation, and (3) specifies the compelling reasons for seeking the detention of the accused beyond the period of 180 days, and (4) after notice to the accused.”

[11] From the pleading of the parties and submissions thereof, the points of determination involved in the present case are:

“1. Whether the presence of the accused or his counsel is mandatory at the time of consideration for application of time for extension under proviso to Section 36-A(4) NDPS Act or not?

2. Whether the Public Prosecutor has to apply his independent opinion regarding the specific reasons for extension of time for investigation?”

[12] It will be useful to reproduce the provisions of Section 36-A of the NDPS Act, 1985 as below:

36-A. Offences triable by Special Courts.—(1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973—

(a) all offences under this Act which are punishable with imprisonment for a term of more than three years shall be triable only by the Special Court constituted for the area in which the offence has been committed or where there are more Special Courts than one for such area, by such one of them as may be specified in this behalf by the Government;

(b) where a person accused of or suspected of the commission of an offence under this Act is forwarded to a Magistrate under sub-section (2) or sub-section (2A) of Section 167 of the Code of Criminal Procedure, 1973, such Magistrate may authorise the detention of such person in such custody as he thinks fit for a period not exceeding fifteen days in the whole where such Magistrate is a Judicial Magistrate and seven days in the whole where such Magistrate is an Executive Magistrate:

Provided that in cases which are triable by the Special Court where such Magistrate considers—

(i) when such person is forwarded to him as aforesaid; or

(ii) upon or at any time before the expiry of the period of detention authorised by him;

that the detention of such person is unnecessary, he shall order such person to be forwarded to the Special Court having jurisdiction;

(c) the Special Court may exercise, in relation to the person forwarded to it under clause (b), the same power which a Magistrate having jurisdiction to try a case may exercise under Section 167 of the Code of Criminal Procedure, 1973, in relation to an accused person in such case who has been forwarded to him under that section;

(d) a Special Court may, upon perusal of police report of the facts constituting an offence under this Act or upon complaint made by an officer of the Central Government or a State Government authorised in his behalf, take cognizance of that offence without the accused being committed to it for trial.

(2) When trying an offence under this Act, a Special Court may also try an offence other than an offence under this Act with which the accused may, under the Code of Criminal Procedure, 1973, be charged at the same trial.

(3) Nothing contained in this section shall be deemed to affect the special powers of the High Court regarding bail under Section 439 of the Code of Criminal Procedure, 1973, and the High Court may exercise such powers including the power under clause (b) of sub-section (1) of that section as if the reference to "Magistrate" in that section included also a reference to a "Special Court" constituted under Section 36.

(4) In respect of persons accused of an offence punishable under Section 19 or Section 24 or Section 27-A or for offences involving commercial quantity the references in sub-section (2) of Section 167 of the Code of Criminal Procedure, 1973 thereof to "ninety days", where they occur, shall be construed as reference to "one hundred and eighty days":

Provided that, if it is not possible to complete the investigation within the said period of one hundred and eighty days, the Special Court may extend the said period up to one year on the report of the Public Prosecutor indicating the progress of the investigation and the specific reasons for the detention of the accused beyond the said period of one hundred and eighty days.

(5) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, the offences punishable under this Act with imprisonment for a term of not more than three years may be tried summarily.]

From the above provisions of Section 36-A(4) NDPS Act and its proviso, it is clear that for an offence punishable under Section 19 or Section 24 or Section 27A or for offences involving commercial quantity and if the investigation cannot be completed within the modified period of 180 days as stipulated under Section 167(2) of CrPC, the Special Court may extend the said period up to one year on the report of the Public Prosecutor indicating the progress of the investigation and the specific reasons for the detention of the accused beyond the said period on 180 days.

[13] In the case of **Hitendra Vishnu Thakur v. State of Maharashtra: (1994) 4 SCC 602** while dealing with a similar provisions under Section 20(4) of TADA Act with respect to extension of time beyond 90 days up to 180 days as stipulated under Section 176(2) of CrPC, a Two Judge Bench of the Hon'ble Supreme Court held that no extension of time for investigation shall be granted without notice to the accused affording an opportunity to express his views. However, a 5 Judge Constitution Bench of the Apex Court in the case of **Sanjay Dutt v. State through CBI: (1994) 5 SCC 410 @ Para 53(2)(a)** held that the requirement of notice as held in **Hitendra case (supra)** is not a written notice to the accused giving reasons therein. Production of the accused at that time in the court informing him that the question of extension of the period for completing the investigation is being considered, is alone sufficient for the purpose.

[14] However, relying on the ration of **Hitendra case (supra)**, a Two Judge Bench of the Hon'ble Supreme Court held in the case of

Sanjay Kumar Kedia v. Intelligence Officer, Narcotics Control Bureau:
(2009) 17 SCC 631 @ Para 12 held, while interpreting the provisions of Section 36-A(4) of NDPS, that notice to the accused is required for consideration of the application for extension of time for completing investigation. Four conditions have been laid down in Para 12 as reproduced below:

“The conditions provided are:

- (1) a report of the public prosecutor,*
- (2) which indicates the progress of the investigation, and*
- (3) specifies the compelling reasons for seeking the detention of the accused beyond the period of 180 days, and*
- (4) after notice to the accused.”*

[15] In the case of **Jigar (supra)**, a two Judge Bench of the Hon’ble Supreme Court held that the requirement of giving notice to the accused as observed in the case of **Sanjay Kedia (supra)** did not consider the binding precedent in the case of **Sanjay Dutt (supra)**. Therefore, this decision on requirement of giving written notice to the accused prior to considering the application/report submitted by the Public Prosecutor for extension of time for completing investigation will not be a binding precedent. Further it has been held in **Jigar case (supra)** that firstly, the report of the Public Prosecutor should set out the progress of the investigation and secondly, the report must disclose specific reasons for continuing the detention of the accused beyond the stipulated period. The Public Prosecutor has to apply his mind before he submits a report/an application for extension and the Court must apply its mind to the contents of the report before accepting the prayer for grant of extension. It is also

observed that “30. *The logical and legal consequence of the grant of extension of time is the deprivation of the indefeasible right, available to the accused to claim a default bail. The procedure contemplated by Article 21 of the Constitution which is required to be followed before the liberty of a person is taken away has to be fair and reasonable. The failure to procure the presence of the accused either physically or virtually before the Court and failure to inform him that the application made by the Public Prosecutor for the extension of time is being considered, is not a mere procedural irregularity. It is gross illegality and that violated the rights of the accused under Article 21*”. In **Jigar case (supra)**, the accused was not produced before the court physically or virtually when the application was being considered and nor informed about the application. The application was allowed on the same day of its filing. Accordingly, the Hon’ble Apex Court set aside the order of the Special Court granting extension of time to complete investigation and held that the accused are entitled to default bail.

[16] The sum and substance in the decision of the **Jigar case (supra)** are: (i) In the report, the Public Prosecutor should set out the progress of the investigation; (ii) The report must disclose specific reasons for continuing the detention of the accused beyond the stipulated period; (iii) The Court must apply its mind to the contents of the report before accepting the prayer for grant of extension; (iv) The accused be produced physically or virtually before the court at the time of the consideration of the application/report for extension of time; (v) Production of the accused is a

sufficient compliance of the requirement of notice; and (vi) no written notice to the accused is required as per ratio of **Sanjay Dutt case (supra)**.

[17] While disposing a batch of petitions and relying on the ratio of **Sanjay Dutt case (supra)** and **Jigar case (supra)**, a Full Bench of Calcutta High Court in the case of **Subhas Yadav etc. (supra)** held in Para 8 that no written notice or copy of the report of the Public Prosecutor under proviso to Sub Section 4 to Section 36-A of NDPS Act requires to be served on the accused or his counsel, but the accused or his counsel must be present personally or through video linkage at the time of the consideration of the application and may raise objection, if any. It is also held that extension of time solely on the ground of non-submission of FSL report of the contraband samples may not be a sufficient reason.

[18] This Court has minutely gone through the relevant provisions of law and case laws cited by the parties. It is settled proposition of law that the production of the accused or appearance of his counsel physically or virtually before the Court at the time of consideration of the report/application filed by the Public Prosecutor for extension of time under proviso to Section 36-A(4) of NDPS Act is mandatory, even though service of written notice or copy of report is not required. In his report/application, the Public Prosecutor has to indicate the progress of investigation and the specific reasons for detention beyond the stipulated period. Besides, the Court has to apply its mind before granting extension. Upon rejection of prayer for extension of time to complete investigation, the accused will be entitled to default bail.

[19] In addition to the above conditions, this Court desires to add the additional condition that 'preferably a written notice or copy of report may be furnished to the accused or his counsel so as to enable the accused to raise an effective objection to the prayer for extension of time'.

[20] The points of determination framed in Para 11 are answered in terms of observations made in Para 18 and 19 as above.

[21] In the present case, admittedly, the accused was not produced before the Special Court physically or virtually when the application for extension of time filed by the Public Prosecutor was being considered. Nor was his counsel appearing personally or through video linkage as held in the cases of **Jigar (supra)** and **Subhas Yadav etc. (supra)**. It is the case of the accused that he had no knowledge of the application and order for extension of time, and he came to know about the same when his counsel went to the court to file application for default bail. Hence, there is violation of the statutory mandate of the proviso to Sub Section 4 of Section 36-A of NDPS Act. However, the Public Prosecutor has explained the progress of the investigation and reasons for extension of time such as likelihood of absconding of the accused and/or likelihood of his elimination by drug cartel of which he is alleged to be a member; absconding of co-accused; identification other accused and non-submission of FSL report, etc. This Court is of the opinion that there is substantive compliance of the statutory requirements in the report, except for non-production of the accused at the time of its consideration.

[22] Considering the facts of the present case in totality to the settled proposition of law as discussed above, this Court is of the opinion that the impugned order dated 04.11.2022 passed by the learned Special Judge (ND&PS), Thoubal, Manipur in Cril. Misc. Case No. 330 of 2022 extending time for completion of investigation under the proviso to Section 36-A(4) of NDPS Act in connection with FIR No. 17(06)2022 YPK PS under Section 22(c)/60(3) of ND&PS Act cannot be sustained, as the accused was not produced physically or virtually at the time of consideration of the application and nor was his counsel appearing physically or virtually. Accordingly, the impugned order dated 04.11.2022 is set aside and the accused/petitioner is entitled to default bail.

[23] The accused/petitioner Tampakmayum Harun Khan is enlarged on default bail under the proviso to Section 36-A(4) of NDPS Act read with Section 167(2) CrPC on furnishing a bail bond of Rs. 1,00,000/- with a surety of like amount (government employee) to the satisfaction of learned Special Judge (ND&PS), Thoubal, Manipur with the following conditions that:

- (a) The accused shall co-operate with the investigation.
- (b) The accused shall not tamper with the evidence.
- (c) The accused shall not try to influence persons acquainted with the facts of the present case.
- (d) The accused shall appear before the Special Court on every Monday at 11.00 am till trial commences. If Monday happens to a holiday, he shall appear on the next working day.

- (e) The accused shall not leave the State of Manipur without permission of the Special Court; and
- (f) The accused shall surrender his passport to the Special Court, if any.

[24] The petition is allowed in terms of the above findings and observations. No cost.

[25] Send a copy of this order to the learned Special Judge (NDPS), Thoubal, Manipur for information.

JUDGE

FR/NFR

joshua

KH. JOSHUA MARING
MARING

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KH. JOSHUA MARING
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