

Serial No. 05
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

BA. No. 37 of 2023

Date of Decision: 13.09.2023

Shri. Abhiranjan Mahto Vs. State of Meghalaya

Coram:

Hon'ble Mr. Justice W. Diengdoh, Judge

Appearance:

For the Petitioner/Appellant(s)	:	Mr. P.K. Das, Adv.
For the Respondent(s)	:	Mr. N.D. Chullai, AAG. with Mr. A.H. Kharwanlang, Addl. Sr. GA.

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| i) | Whether approved for reporting in
Law journals etc.: | Yes/No |
| ii) | Whether approved for publication
in press: | Yes/No |

ORDER (ORAL)

1. Heard Mr. P.K. Das, learned counsel for the petitioner who has submitted that the admitted fact is that the accused persons for which the petitioner has filed this application under Section 439 of the Code of Criminal Procedure, 1973 read with Section 37 of the NDPS Act, 1985 seeking grant of bail are in custody for about 180 days or so in connection with CrI. (NDPS) Case No. 12 of 2023 pending before the Court of the Special Judge (NDPS), East Jaintia Hills District, Khliehriat.

2. The learned counsel has not urged on the merits of the case inspite of the fact that the charge sheet has already been filed before the concerned court, but has petitioned this Court for grant of bail only on the ground that the accused persons have been incarcerated in custody for, according to him a very long period, that is, 180 days.

3. Mr. N.D. Chullai, learned AAG appearing on behalf of the State respondent, on the other hand, has submitted that the offence alleged is very serious, inasmuch as, it involves seizure of about 72 kgs of Ganja which is a banned psychotropic substance. It is also submitted that the rigors of Section 37 of the NDPS Act will come into play in this case as seizure of commercial quantity of the said contraband substance have been made from the possession of the accused persons. Accordingly, it is prayed that this application is devoid of merit and the same is liable to be dismissed.

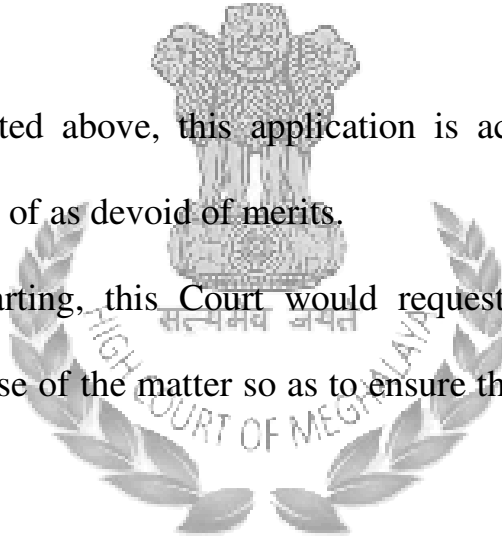
4. Without going into the facts and circumstances of the case, on the basis of the submission made, this Court is made to understand that the accused persons, Shri. Suranjan Mahto and Shri. Babalu Singh have been arrested in connection with the said NDPS case and are now facing trial. As far as the question of bail is concerned, the provision of Section 37 of the NDPS Act would indeed come into play, inasmuch as, the provision

thereof would be applicable to the case of the accused persons herein.

5. From the charge sheet and the materials on record, nothing is indicated that the Court doubts the guilt of the accused persons prima facie, and accordingly, bail as a rule is not to be considered under such circumstances. Therefore, at this juncture, this Court is not inclined to allow the prayer made by the petitioner. Under changed circumstances, the petitioner may approach the competent court of jurisdiction for grant of bail.

6. As indicated above, this application is accordingly dismissed and stands disposed of as devoid of merits.

7. Before parting, this Court would request the Trial Court to expeditiously dispose of the matter so as to ensure that ends of justice are met.



Judge

Meghalaya

13.09.2023

"D. Nary, PS"