

Serial No. 01
Supplementary 1 List

HIGH COURT OF MEGHALAYA
AT SHILLONG

Crl.Petn. No. 110 of 2023

Date of Decision: 04.10.2023

Shri. Bijay Thapa Vs. State of Meghalaya & Anr.

Coram:

Hon'ble Mr. Justice W. Diengdoh, Judge

Appearance:

For the Petitioner/Appellant(s) : Mr. S. Panthi, Adv.
Ms. P. Chettri, Adv.
Ms. D. Saha, Adv.
For the Respondent(s) : Mr. N. Syngkon, GA.
Ms. A. Thungwa, GA.

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

JUDGMENT (ORAL)

1. Heard Mr. S. Panthi, learned counsel for the petitioner who has submitted that this Court vide order dated 04.09.2023 passed in BA. No. 39 of 2023 has allowed the prayer of the petitioner therein, inasmuch as, the accused person connected with Nongpoh P.S. Case No. 31 (3) 2023 under Section 21(b)/25/29 of the NDPS Act, 1985 has been allowed to go on

interim bail for the purpose of his medical treatment. The learned counsel has further submitted that accordingly the accused/patient has gone for treatment at NEIGRIHMS, Shillong.

2. On being treated and consulted at NEIGRIHMS, the attending doctor has given his opinion as on 27.09.2023 that the patient that is, the accused is advised rest for one month and that he is to visit the hospital as and when he is required. A copy of the advice of the doctor at NEIGRIHMS has been annexed at page 23 of this petition. It is therefore the prayer of the learned counsel that the interim bail may be extended for a period of another month.

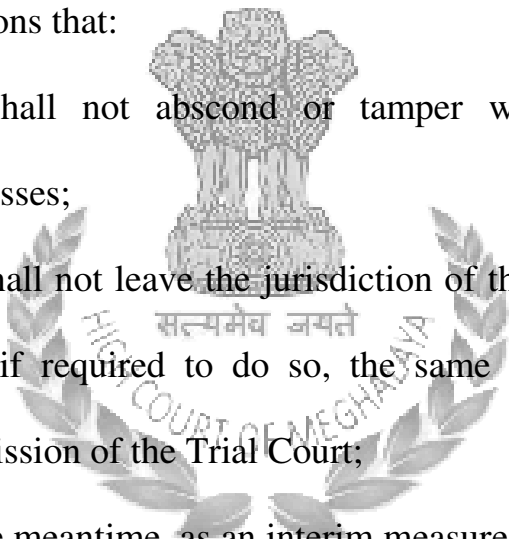
3. Mr. N. Syngkon, learned GA appearing on behalf of the State respondents, on the other hand, has submitted that in the meantime, the charge sheet has been filed and a regular case has been registered being Special (NDPS) Case No. 10 of 2023 before the Court of the learned Special Judge (NDPS) at Ri-Bhoi District, Nongpoh. The learned GA has accordingly left it to the discretion of this Court to pass necessary orders on the basis of the document and the submission made by the petitioner.

4. This Court on consideration of the submission made and on perusal of the medical papers, has noticed that the accused/patient was indeed advised rest for one month. It may not be out of place to mention herein that

in the meantime the charge sheet has been filed in the case and as such, custodial questioning or interrogation of the accused is no longer required. He is to face trial in due course.

5. Be that as it may, considering the fact that the accused/patient is required to go for further consultation at the NEIGRIHMS, the prayer for extension of the interim bail is allowed.

6. Accordingly, the accused person is allowed to go on interim bail on the following conditions that:

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- i) He shall not abscond or tamper with the evidence or witnesses;
 - ii) He shall not leave the jurisdiction of the State of Meghalaya and, if required to do so, the same should be with prior permission of the Trial Court;
 - iii) In the meantime, as an interim measure, he shall bind himself on a personal bond of ₹ 50,000/- (Rupees fifty thousand) only with one solvent surety of like amount to the satisfaction of the Trial Court and
 - iv) He is also directed to report to the District Prisons and Correctional Home on expiry of one months' period from today that is, on 05.11.2023.

7. With the above noted directions, this petition is accordingly disposed of.

Judge

Meghalaya
04.10.2023
"D. Nary, PS"

