

GAHC030000142023



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : Bail Appln./2/2023

Smt. Zokhumi
D/o Zothanhranga (L)
R/o Tlangnuam, Champhai
Presently residing Zokhawthar, Champhai District, Mizoram.

VERSUS

The State of Mizoram and Anr.
r/b the Secretary/Commissioner, Home Department, Govt. of Mizoram. 2:S.I.
Lalnunfela
Excise and Narcotic

Advocate for the Petitioner : Mr T Lalzekima, Legal Aid Counsel

Advocate for the Respondent : P.P./Addl.PP, Mizoram

ORDER

BEFORE
HONOURABLE MR. JUSTICE NELSON SAILO

08.02.2023

Heard Mr. T. Lalzekima, learned counsel for the petitioner and Ms. Mary L. Khiangte, learned Addl. Public Prosecutor appearing for the State respondent.

[2.] By filing this application under Section 439 Cr.PC, the petitioner prays for

modification of the condition of bail granted to her by the learned Special Court, ND&PS Act, Aizawl vide order dated 11.05.2022 in Bail Application No. 509/2022.

[3.] Mr. T. Lalzekima, learned counsel submits that by the said order, the learned Trial Judge has directed that the surety in respect of the petitioner should be a Government Servant under the State Government and posted in Aizawl Municipal area not below the rank of LDC and duly supported by certificate/acknowledgement of the Controlling Officer. The learned counsel submits that in respect of the other accused person, the surety imposed was only a permanent resident of Aizawl city, which should be to the satisfaction of Assistant Commissioner of Excise & Narcotics (Prosecution), District Court, Aizawl and a certificate issued by the said authority. The learned counsel submits that according to the learned Trial Judge, the above surety has been imposed upon the petitioner in order to ensure that she does not flee to the neighboring country i.e., Myanmar. The learned counsel submits that the petitioner is a permanent resident of Tlangsam village in Champhai District, Mizoram having Aadhar Card bearing No. 4262 4557 9239. As such, there is no question of the petitioner fleeing to the neighboring country as she is a permanent resident of Mizoram. In support of his submission, the learned counsel has drawn the attention of this Court to the Aadhar Card which is annexed as 'Annexure-7' to the application.

[4.] On 30.01.2023, this Court upon hearing the parties had asked the learned Addl. Public Prosecutor Ms. Mary L. Khiangte to obtain instructions about the genuineness of the Aadhar Card possessed by the petitioner. Today, she submits that she has been

orally informed that the Aadhar Card of the petitioner is genuine.

[5.] In view of above and upon considering the submissions made by the learned counsels for the parties, Court is of the considered view that the condition of bail requires modification. Accordingly, the surety that was imposed upon the other accused person i.e., a permanent resident of Aizawl city which should be to the satisfaction of the Assistant Commissioner of Excise & Narcotics (Prosecution), District Court, Aizawl with supporting certificate would satisfy the surety for the petitioner as well. On production of such surety by the petitioner and upon due satisfaction of the Assistant Commissioner of Excise & Narcotics (Prosecution), District Court, Aizawl the petitioner shall be allowed to go on bail.

[6.] Accordingly, Condition No. 3 (3) of the order dated 11.05.2022 passed Bail Application No. 509/2022 by the Special Court, ND&PS Act, Aizawl stands modified. The other condition shall remain.

[7.] The application accordingly stands disposed of.

JUDGE

Comparing Assistant