

GAHC030001382023



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

Case No. : Bail Appln./8/2023

Sh. Rosiamliana
Phunchawng, Aizawl, Mizoram

VERSUS

State of Mizoram
Aizawl

Advocate for the Petitioner : Ms. Linda Zothantluangi

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

B E F O R E

HON'BLE MRS.JUSTICE MARLI VANKUNG

28.03.2023

Heard Ms. Linda Zothantluangi, learned counsel for the petitioner along with Ms. Mary L. Khiangte, learned Additional Public Prosecutor.

This is a bail application filed under Section 439 Cr.P.C. to enlarge the accused/petitioner on bail pending trial.

Facts of the case in brief is that the petitioner was arrested on 30.01.2023 by the Central Anti-Drug Squad, CYMA and was handed over to the Excise Personnel along with the co-accused namely, Ms. Lalngaihzuai for alleged possession of 29

grams of suspected heroine which was seized in one Soap case recovered from the possession of the co-accused Ms. Lalngaihzuali and other 54 tic tac containers recovered from the residence of the instant accused/petitioner.

Ms. Linda Zothantluangi, learned counsel for the petitioner submits that the petitioner/accused is of 20 years and a student of Class-XII at Mary Jones School. That the petitioner/accused has an up-coming final examination on 08.04.2023 and has prayed that he may be allowed to prepare for his examination and sit for the Class-XII examination. That he is a first time offender and unless he is given the opportunity to sit for the exams, his whole future would be spoiled. She further submits that the petitioner/accused is actually innocent of the charge, and there is no chance of him absconding if granted interim bail.

Ms. Mary L. Khiangte, learned Additional Public Prosecutor, on the other hand submits that the charge sheet in this matter has been submitted and it appears that the petitioner/accused is actually a drug peddler. However, in all fairness, she submits that she does not strongly object to him being given the opportunity to sit for the upcoming Class-XII examination.

On hearing the submissions made by both the parties, this Court, considering the fact that the instant petitioner/accused appears to be a first time offender and that the seized articles were not actually recovered from his possession. Further, on perusal of the documents submitted, it is shown that he is to sit for his Class-XII examination, which is to commence from 6th April, 2023 till 8th May, 2023. For this reason, the Court finds it fit to give the opportunity to the petitioner/accused to appear for the Class XII examination.

In view of the above, interim bail is granted to the petitioner/accused. The

petitioner/accused is to be released on interim bail for the period from 6th April, 2023 till 8th May, 2023 with a bail bond of Rs. 50,000/- and one surety of the like amount. The surety shall be a permanent residence of Phunchawng Veng who shall be to the satisfaction of the learned Judge, ND&PS Court, Aizawl. The petitioner/accused is to report and surrender himself before the learned Judge, ND&PS after the examination on 9th May, 2023.

Bail Application No. 8/2023 accordingly stands disposed as allowed.

JUDGE

Comparing Assistant