

GAHC030002112023



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

Case No. : Bail Appln./14/2023

Smt. C. Devi
Melthum, Aizawl, Mizoram

VERSUS

State of Mizoram
Aizawl

Advocate for the Petitioner : Ms. Linda Zothantluangi

Advocate for the Respondent : Mrs. Linda L Fambawl, Addl. PP, Mizoram

B E F O R E
HON'BLE MRS. JUSTICE MARLI VANKUNG
O R D E R

19.05.2023

(Friday)

Heard Ms. Linda Zothantluangi, learned counsel for the petitioner along with Mrs. Linda L. Fambawl, learned Addl. Public Prosecutor.

This is an application filed under Section 439 Cr.P.C for enlargement of the petitioner on bail.

It is stated that the petitioner was arrested on 12.01.2023 in connection with recovery of 10 grams of heroin from the possession of the co-accused. As a result of which, Ex.Case No.4 of 2023, Criminal Tr. Ex. No. 349/2023 under section 21 (b) ND & PS Act, 1985 was

registered against the petitioner.

Ms. Linda Zothantluangi, learned counsel for the petitioner submits that the petitioner is innocent of the charged since nothing was recovered from her possession and that the seized article was recovered from her house however, the co-accused has made a declaration that the seized articles did not belong to the petitioner but to the co-accused.

The learned counsel submits that the petitioner is innocent of the charged under Section 21(b) ND & PS, Act and she may be allowed to be released on bail during the pendency of the trial, since charge-sheet has been submitted and there is no way which she can now tamper or influence the investigation of the case. That the trial court is likely to take a long time to dispose of the case and the petitioner is likely to suffer if not released on bail.

Mrs. Linda L. Fambawl, learned Addl. Public Prosecutor on the other hand, submits that from the perusal of the charge-sheet, it appears that the petitioner is involved with the co-accused in the commission of the offence under Section 21 (b) ND & PS, Act, since, the charge-sheet clearly reflects that this is not the first time wherein suspected heroin was seized from the resident of the petitioner. She has strongly opposed to the release of the petitioner on bail at this stage, where the trial of the case against the petitioner has commenced.

Having heard the submissions made by both the parties, this court finds that the charge-sheet has been duly submitted in the instant case and from the contents of the charge-sheet, it is stated that this is the second time such seized suspected contraband substances has been found and seized from the house of the petitioner. Finding prima facie case against the petitioner, she has been charged U/s 21(b) ND & PS.

In view of the above, this Court finds it fit that the Trial Court by recording evidence may come to its conclusion from the evidence adduce and this court finds that no convincing reason to release the petitioner on bail at this stage has been made out. However, on considering the submission made by the learned counsel for the petitioner, the learned trial court is to take steps to expedite and dispose of this case expeditiously.

Accordingly, Bail Application No.14 of 2023 is dismissed and disposed of.

JUDGE

Comparing Assistant