

GAHC030002672023



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

Case No. : Bail Appln./18/2023

Sh. Lalhlimpaia
Sangau, Lawngtlai, Mizoram

VERSUS

State of Mizoram
Aizawl

Advocate for the Petitioner : Mr. Lalpianfela Chawngthu

Advocate for the Respondent : Mr. P C Lalhangmawia, Addl. PP, Mizoram

BEFORE
HONOURABLE MR. JUSTICE NANI TAGIA
ORDER

Date : 06.06.2023

Heard Mr. Lalpianfela Chawngthu, learned counsel for the accused/petitioner and Ms. Mary L. Khiangte, learned Additional Public Prosecutor for the State.

This is an application under Section 439 of the Cr.P.C. for grant of bail to the accused/petitioner Lalhlimpaia, who was arrested on 08.11.2022 in connection with Criminal Trial No. 229/2023 arising out of Special Narcotic Police Station Case No. 59/2022 under Sections 21(c), 22(c), 29/25 of the ND&PS Act, 1985.

This Court by Order dated 24.05.2023, while issuing notice, had directed the parties to produce copy of the charge sheet on the next date. Pursuant thereto, Mr.

Lalpianfela Chawngthu, learned counsel for the accused/petitioner has produced the charge sheet filed in the aforesaid Criminal Trial No. 229/2023 arising out of Special Narcotic Police Station Case No. 59/2022 under Sections 21(c), 22(c), 29/25 ND&PS Act, 1985.

The aforesaid Criminal Trial No. 229/2023 arising out of Special Narcotic Police Station Case No. 59/2022 under Sections 21(c), 22(c), 29/25 ND&PS Act, 1985, arose out of an FIR dated 08.11.2022 lodged by ASI P.C. Vanlalruata, Special Narcotic P.S. CID (Crime) Mizoram, Aizawl to the Officer-in-charge of Special Narcotic Police Station CID (Crime) Mizoram, Aizawl stating that 342 grams of suspected Heroin and 6.370 Kgs. of suspected Methamphetamine have been seized from one Sangchungga S/o Thanghawnga (L) of Thalthang, while the said Sangchungga was travelling in a Maruti Car bearing Registration No. MZ01 F/4153 driven by the accused/petitioner, Lalhlimpaia at 4:00 PM on 08.11.2022. Pursuant thereto, Special Narcotic P.S. Case No. 59/2022 under Sections 21(c), 22(c), 29/25 ND&PS Act was registered. The co-accused Sangchungga and the accused/petitioner Lalhlimpaia was arrested on the same date.

Upon completion of the investigation, charge sheet dated 19.01.2023 has been filed against one Sangchungga and the accused/petitioner Lalhlimpaia under Sections 21(c), 22(c), 29/25 of the ND&PS Act.

From a perusal of the charge sheet filed, the statements of the co-accused Sangchungga and the accused/petitioner Lalhlimpaia, it appears that on 08.11.2022, Heroin and Methamphetamine of 342 grams and 6.370 Kgs., respectively, were seized from the possession of Sangchungga, while the said Sangchungga was travelling in a vehicle No. MZ01 F/4153 driven by the petitioner, which vehicle belonged to the father of the petitioner. The petitioner was driving the vehicle on the instruction of his father

to take Sangchunga to a place called Serchhip, on the said vehicle being hired by Sangchunga from the father of the present accused/petitioner for Rs. 20,000/-. The present accused/petitioner appears to have had no knowledge of what Sangchunga was carrying along with him in a vehicle and the present accused/petitioner was taking Sangchunga in a vehicle No. MZ01 F/4153 to Serchhip solely on the instruction of his father.

Beyond that, there are no materials in the charge sheet filed to indicate the involvement of the present accused/petitioner in any manner with the Heroin and Methamphetamine seized from the possession of Sangchunga, who has also been arrested on 08.11.2022.

In view of the above facts as revealed from the charge sheet dated 19.01.2023 filed in Criminal Trial No. 229/2023 arising out of Special Narcotic Police Station Case No. 59/2022 under Sections 21(c), 22(c), 29/25 ND&PS Act, that there are no materials to link the present accused/petitioner with the substance seized from Sangchunga, I am of the view that the present accused/petitioner, who is in the custody in connection with Criminal Trial No. 229/2023 arising out of Special Narcotic Police Station Case No. 59/2022 under Sections 21(c), 22(c), 29/25 ND&PS Act since 08.11.2022 deserves to be released on bail.

Accordingly, the applicant Lalhlimpaia who was arrested on 08.11.2022 in connection with Criminal Trial No. 229/2023 arising out of Special Narcotic Police Station Case No. 59/2022 under Sections 21(c), 22(c), 29/25 ND&PS Act shall be released on bail on furnishing a bond of Rs. 20,000/- along with two sureties of like amount to the satisfaction of the Special Judge, ND&PS Act, Aizawl.

Bail Application stands allowed and disposed of.

JUDGE

Comparing Assistant