

GAHC030004622023



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

Case No. : Bail Appln./36/2023

Lalnuntluanga
Zonuam, Aizawl, Mizoram

VERSUS

The State of Mizoram
Aizawl

Advocate for the Petitioner : Mr. Jonathan Lalrintluanga

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

ORDER

BEFORE
HONOURABLE MR. JUSTICE NELSON SAILO

25.09.2023

Heard Mr. Jonathan Lalrintluanga, learned counsel for the petitioner and Mrs. Linda L. Fambawl, learned Addl. Public Prosecutor appearing for the State.

By filing this application under Section 37 of the ND&PS Act, 1985 read with Section 439 of Cr.PC, the petitioner prays for his release on bail. The main grounds for praying his release is that he is medically unfit and requires constant medical

treatment which is not possible while he is lodged in jail. Considering the stand taken, this Court vide Order dated 08.09.2023 directed the jail authorities to produce the petitioner before the Medical Board constituted by the Health & Family Welfare Department, Govt. of Mizoram for examination and to submit the report about the status of his health.

In terms of the Court's Order, the petitioner was produced before the Medical Board and the Medical Board upon examining him has made an assessment. The assessment has been communicated to the Special Superintendent, Central Jail, Aizawl by the Senior Medical Superintendent, Civil Hospital, Aizawl on 20.09.2023. Mrs. Linda L. Fambawl, learned Addl. Public Prosecutor has produced the said communication.

A perusal of the same goes to show that the petitioner is suffering from multiple diseases. The relevant portion of the communication may be abstracted hereunder:-

“After careful examination and consideration, and in view of the diagnosis, the UTP Lalnuntluanga S/o R. Lalthuamlia is having multiple diseases, Acute on Chronic Pancreatitis, Secondary Diabetes Mellitus, PIVD, APD (Inlet Patch Esophagitis with Chronic Gastritis), Hep 'C' Reactive with Liver disease, HIV+ve and allergic rhinitis. The prisoner is advised to follow up free treatment for Hep 'C' and his other medical ailments at Civil Hospital,

Aizawl and approach Dr. Lalrothuama in-charge for the same.”

From the above abstract, it may be seen that the petitioner is suffering from Chronic Pancreatitis, Secondary Diabetes Mellitus, PIVD, APD, Hep 'C' Reactive with Liver disease, HIV+ve and allergic rhinitis. He has been advised to avail the free treatment for Hep 'C' and also other medical ailments at the Civil Hospital through the Doctor in-charge, stationed in the said Hospital. On the other hand, it is seen that the petitioner is alleged to be involved with the recovery of 300 grams of Herion which attracts Section 21(c) of the ND&PS Act and the punishment attracted is severe i.e., rigorous imprisonment for a term not less than ten (10) years that may extend to twenty (20) years with fine. However, considering the fact that the petitioner is suffering from multiple diseases, some level of consideration is required to be given to him.

In view of above, the petitioner is directed to be released on interim bail upon his execution of a bail bond of Rs. 25,000/- with one local surety of the like amount to the satisfaction of the learned Special Judge, ND&PS Act. It is also made clear that the surety to be produced by the petitioner need not necessarily be a Government Servant but a permanent resident who resides within the AMC area, Aizawl. The interim bail granted to the petitioner is for a period of one (1) month. The petitioner shall surrender himself before the learned Special Judge, ND&PS Act on 31.10.2023.

The petitioner while on interim bail shall not indulge in any similar kind of offence and shall cooperate with the trial proceedings. Failure to follow the same shall entail cancellation of his bail.

With the above observations and directions, the bail application stands disposed of.

JUDGE

Comparing Assistant