

GAHC030006082023



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

Case No. : Bail Appln./54/2023

Smt. Ruatmawii
D/o Chalhira (L)
R/o Bawngkawn Brigade Road, Aizawl, Mizoram.

VERSUS

The State of Mizoram
Aizawl

Advocate for the Petitioner : Ms. Lalngaihsaki Fanai

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

B E F O R E
HON'BLE MR. JUSTICE MICHAEL ZOTHANKHUMA
ORDER

10.11.2023

Heard Ms. Lalngaihsaki Fanai, learned counsel for the petitioner, who submits that the petitioner was arrested on 22.01.2023, in connection with the recovery of 245 grams of heroin from one Sh. Zoremsanga and Sh. Zoramsanga.

2. The petitioner's counsel submits that the petitioner had been released on interim bail for a period of 2 (two) months vide Order dated 05.06.2023 passed

in Bail Appln. No. 1005/2023. The interim bail was extended by the learned Trial Court vide Order dated 07.08.2023 passed in Bail Appln. No. 1423/2023 for another period of 1 (one) month. Thereafter, the petitioner approached this Court vide Bail Appln. No. 37/2023, praying for regular bail on the ground that her prayer for regular bail in Bail Appln. No. 1423/2023 had been rejected by the learned Trial Court, but had extended the interim bail granted in Bail Appln. No. 1005/2023.

3. This Court, vide Order dated 06.09.2023, passed in Bail Appln. No. 37/2023, held that as the petitioner was on an interim bail on the orders of the learned Trial Court, the petitioner should approach the learned Trial Court for regular bail. Consequently, the petitioner approached the learned Trial Court for regular bail, vide Bail Appln. No. 1732/2023. The same was rejected vide Order dated 17.10.2023, on the ground that the petitioner had been released on interim bail on health issues and as her health had improved, there was no requirement for allowing regular bail to the petitioner. She thus prays for bail.

4. Mrs. Mary L. Khiangte, learned Addl. Public Prosecutor submits that bail should be rejected on the ground that trial proceedings have started in the case and as the petitioner was arrested due to being implicated by Sh. Zoramsanga and Sh. Zoremsanga, who were apparently caught with the seized heroin, as the owner of the seized heroin.

5. The petitioner thus appears to have been arrested only on being implicated by the two persons namely Sh. Zoramsanga and Sh. Zoremsanga. Besides the above, one Smt. Lalnunpuii was also arrested as being the owner of the seized heroin. However, Sh. Zoramsanga and Sh. Zoremsanga, who were caught with

the heroin have not been charge sheeted by the case I.O, but have been made prosecution witnesses.

6. On considering the fact that the petitioner had been released on interim bail earlier and there is nothing stated by the learned Trial Court that the petitioner would abscond or influence the witnesses in any manner, besides keeping in view the facts as narrated above, this Court is of the view that regular bail should be granted to the petitioner.

7. Accordingly, the petitioner is granted bail on a bail bond of Rs. 2,00,000/- (Rupees Two Lakhs) with one surety of like amount, to the satisfaction of the learned Trial Court.

8. Bail Application is accordingly disposed of.

JUDGE

Comparing Assistant