

GAHC030006442023



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

Case No. : CrI.A./43/2023

The National Investigation Agency
Ministry of Home Affairs, Govt.of India r/b the Superintendent of Police, NIA,
Branch Office, Guwahati, Assam.

VERSUS

Sh. Robert Lalrammuanpuia
S/o Lalrozama
R/o H.No. E-51, Khatla, Aizawl, Mizoram.

Advocate for the Petitioner : Mr C Zoramchhana, Special PP

Advocate for the Respondent : Mr. Lalbiaknunga Hnamte

B E F O R E
HON'BLE MR. JUSTICE NELSON SAILO
HON'BLE MRS. JUSTICE MARLI VANKUNG
ORDER

07.12.2023

(Nelson Sailo, J)

Heard Mr. C. Zoramchhana, learned Special Public Prosecutor appearing for the
appellant and Mr. Lalbiaknunga Hnamte, learned counsel for the sole respondent.

[2.] By filing this appeal, under Section 21(4) of the NIA Act, 2008 read with Section 439(2) Cr.PC, the appellant prays for cancellation of the anticipatory bail granted to the respondent on 22.09.2022 in Anticipatory Bail No. 87 of 2022 by the learned Judge, Special Court, NIA, Aizawl. The learned Special Public Prosecutor submits that on 21.01.2022, the personnel of the 17th Assam Rifles laid a picket at Zawngling crossing point in Tuipang area on receiving certain information. In the process, they intercepted one Tata 912 truck bearing registration No. MZ-07-7936 and there were three (3) occupants in the said vehicle namely, Sangkima, Lalthlengliana and Lallungrualpuia (Driver). On checking the said vehicle, they recovered 97 boxes of explosive, 1000 numbers of detonators, 4500 meters of detonating fuse, Indian currency amounting to Rs. 73,500/- and Myanmar currency amounting to 935,500/-. However, later on, all the three (3) occupants of the vehicle were released on bail and in fact, one to the three person i.e., Sangkima has absconded while on bail and is declared as absconder under Section 82 of the Cr.PC. The learned Special Public Prosecutor submits that chargesheet No. 9/2022 dated 19.04.2022 was submitted by the Investigating Agency and now trial is underway. He however submits that during the process of investigation, it came to light that the present respondent is also involved in the case.

[3.] The learned Special Public Prosecutor submits that from the recovery of the explosive, the respondent has acknowledge receipt as many as 97 boxes of explosive on behalf of M/s Ralte Realtors. However, the learned Trial Court without considering

the incriminating materials available against the respondent granted him anticipatory bail vide the Order dated 22.09.2022. He therefore submits that the same may be set aside so that the appellants can proceed with further investigation before they can submit a supplementary chargesheet.

[4.] Mr. Lalbiaknunga Hnamte, learned counsel for the respondent on the other hand submits that the respondent is a permanent resident of Aizawl, Mizoram, who is engaged in the business of selling and supplying fertilizers and that he is nowhere connected to the present case as alleged by the appellants. He submits that all the three (3) persons who were alleged to have transported the explosives and detonators have been released on bail and there is no reason as to why the respondent should not be taken to custody particularly, when he is cooperating with the investigation. Being a permanent resident of Aizawl, Mizoram, there is no question of him absconding and fleeing from justice in the event he is found to be guilty of the alleged offense. He therefore submits that the respondent being a family man and looking after his family, bail granted to him by the learned Trial Court may not be disturbed.

[5.] We have heard the submissions made by the learned counsels for the rival parties and we have perused the materials available on record. It is seen that the learned Special Public Prosecutor had on earlier occasion sought for some time to file additional documents to support the present appeal for cancellation of the anticipatory bail granted to the respondent. Today, the learned Special Public Prosecutor submits that the case I/O has changed and despite all his efforts, he has not been supplied

with any additional information or document to support the present appeal. He otherwise submits that from the investigation made by the Investigating Agency, the respondent being a signatory to the M/S Ralte Realtors, a firm dealing with explosives, it is evident that the respondent is involved in the case. Having considered the submissions made and upon perusal of the materials available on record including the fact that the respondent is said to be cooperating with the investigation, we find no ground to interfere with the bail granted by the learned Trial Court to the respondent on 22.09.2022. Accordingly, the appeal is rejected and dismissed.

JUDGE

JUDGE

Comparing Assistant