

GAHC030006492023



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

Case No. : Bail Appln./62/2023

Sh. Gelot Lalhruaizela
S/o Lalruata
R/o Medium, Kolasib District, Mizoram.

VERSUS

The State of Mizoram and Anr.
r/b the Secretary, Excise and Narcotics Department, Govt. of Mizoram, Aizawl,
Mizoram. 2:Commissioner
Excise and Narcotics Departmen

Advocate for the Petitioner : Mr. Lalbiaknunga Hnamte
Advocate for the Respondent : P.P./Addl.PP, Mizoram

BEFORE
HONOURABLE MRS. JUSTICE MARLI VANKUNG
ORDER

Date : 15-12-2023

Heard Mr. Lalbiaknunga Hnamte, learned counsel for the applicant/petitioner who has filed this application under 439 Cr.PC read with Section 37 of ND & PS Act, 1985 for enlargement of the accused/petitioner on bail pending trial in CrI. Trial (Ex) No.1791/2022 under Section 22(c) of ND & PS Act.

The learned counsel submits that the petitioner along with the co-accused were arrested by the Excise personnel on an alleged possession of 14.865 kgs of

Methamphetamine (150000 tablets).

The learned counsel for the petitioner is innocent with regards to the seizure of the said Methamphetamine tablets since he is only Maxi Cab (Sumo Driver) and that the seized articles were kept in his vehicle and he was asked to transport the same without him having any knowledge that the packages kept in his vehicle contained the Methamphetamine tablets.

The learned counsel submits that this court in its previous order dated 07.09.2023 in Bail Appln. No.31/2023 had rejected granting of bail to the instant petitioner. He submits that he has again approached this Court by enclosing the statements recorded by the co-accused persons and other witnesses under Section 161 Cr.PC along with a copy of the charge sheet submitted to show that there is no evidence against the instant petitioner. He submits that the petitioner has simply transported the said seized articles on the instructions of his uncle and that he had not taken any money but had taken the normal Sumo fare for the transportation of the said parcels. He thus prays that the petitioner is innocent of the charge made out against him under Section 22(c) of ND & PS Act and that he may be released on bail.

Mrs. Mary L. Khiangte, learned Addl. Public Prosecutor submits that this court in its order in Bail Appln. No.31/2023 dated 07.09.2023 had already rejected the grant of bail to the petitioner, wherein the same ground as prayed for by the petitioner was considered by this court in the order dated 07.09.2023, she submits that this court had observed that it cannot be simply presume that the petitioner did not know the contents of the seized articles and that in his statement recorded under Section 161 Cr.PC he had not mentioned his ignorance of the contents of the parcels which was seized from his vehicle

The learned Addl. Public Prosecutor further submits that the seized articles were clearly

states that to have been seized from the vehicle of the Sumo as can be seen from the statement of the co-accused persons in their statement recorded under 161 Cr.PC and there is no statement that the petitioner did not know the contents of the parcels seized from his vehicle. The learned Addl. Public Prosecutor submits that since charge sheet has been filed and the case is at its trial stage, they are no fresh grounds that granting bail to the petitioner who has approached this court again for his release on bail.

Having heard the submissions made by both the parties, this court finds that the learned counsel for the petitioner has taken the same grounds which he had taken while this court considered and dismissed the previous bail application in Bail Appln. No.31/2023 dated 07.09.2023. No fresh grounds have been made for release of the petitioner on bail except for the same grounds that he had no knowledge that the parcel seized from his vehicle contained Methamphetamine.

The documents filed in the additional affidavit is with regards to the statement made by the co-accused and the witnesses, however, there is no specific statement made by the them that the petitioner had no knowledge of the contends of the parcel kept in his vehicle.

In view of the above, this court finds no fresh ground to consider and allow the instant bail application.

Accordingly, the Bail Application No.62 of 2023 stands dismissed and disposed.

JUDGE

Comparing Assistant