

GAHC030006772023



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

Case No. : Bail Appln./69/2023

Sh. Lalenkawla
S/o Lawmzuala (L)
R/o Bawngkawn, Lunglei Road, Aizawl, Mizoram.

VERSUS

The State of Mizoram
Aizawl

Advocate for the Petitioner : Ricky Gurung

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

B E F O R E
HON'BLE MR. JUSTICE KAUSHIK GOSWAMI
ORDER

15.12.2023

This is a bail application under the provision of Section 439 CrPC for grant/release of the accused/petitioner on bail in connection with EX(N) No. 284 of 2023 under Section 21(b) of ND&PS Act, 1985.

2. The case of the prosecution is that on 17.10.2023 at 7:00 pm upon receiving information from undisclosed source stating that the accused/petitioner has kept some quantity of suspected heroin at his residence and was intending to sell them. Upon

search of the residence as per law, the following articles were seized:-

1) 143 grams of suspected Heroin kept in 12 soap cases i.e. 8 blue colour and 4 green colour soap cases.

2) Rs. 20,000/- as sales proceed.

3) Grey colour sling bag used for the concealment of S/A (2 soap cases).

4) A red colour bag used for the concealment of the S/A (12 soap cases).

3. The two soap cases, green and blue colour containing suspected Heroin were recovered from the sling bag, carried by the accused/petitioner. The remaining 7 (seven) blue colour soap case and 3 (three) green colour soap cases containing suspected Heroin were recovered from a red colour bag kept inside the steel almirah of the accused/petitioner's residence.

4. Mr. Ricky Gurung, learned counsel appearing on behalf of the accused/petitioner submits that the petitioner is in jail custody since 17.10.2023 and there is no progress in the investigation and no chargesheet has been filed till date and that the petitioner/accused is about 22 years of age and if he is detained in judicial custody, his career and behavior will be greatly affected with the other habitual inmates in Jail. Accordingly, he prays that the accused/petitioner be released on bail.

5. On the other hand, Mrs. Mary L. Khiangte, learned Addl. Public Prosecutor strongly opposes the prayer of bail. She has produced the case diary in connection with Case No. Ex.No. N-284/2023 dated 18.10.2023 under Section 21(b) of ND&PS Act, 1985. She submits that the investigation is going on and from the materials recovered so far, it clearly indicates that the accused/petitioner, was possessing the seized contraband articles, and hence at this stage, bail ought not be granted.

6. I have considered the arguments of both sides and perused the record of the case.

7. It appears from the case diary that the investigation is going on and the contraband articles had been seized from the residence of the accused/petitioner. Since the

investigation is yet to be completed and from the materials available on record, it prima facie appears that the accused/petitioner has committed the offence and hence I am not inclined to release the accused/petitioner on bail at this stage.

8. Accordingly, the bail application stands rejected.

9. It is needless to clarify that, any observations made in this order is tentative and for the purpose of disposal of this bail application only and shall not be used for any other purpose.

10. Returned the case diary.

JUDGE

Comparing Assistant