

GAHC030006852023



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

Case No. : Bail Appln./73/2023

Ruthi Lalduhawmi
Vairengte Hall Veng, Kolasib District, Mizoram

VERSUS

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 KAUSHIK GOSWAMI
ORDER

14.12.2023

Heard Ms. Lalngaihsaki Fanai, learned counsel for the applicant. Also heard Mrs. Mary L. Khiangte, learned Addl. Public Prosecutor for the State.

2. This is an application under Section 37 of the ND&PS Act, 1985 read with Section 439 of Cr.PC to release the applicant on bail in connection with Excise & Narco Case No.N-146/23 dated 27.05.2023 under Section 21(c) of the ND&PS Act, 1985.

3. The brief case of the prosecution is that on 31.05.2023, Ms. Vanrammawii, Mr. Vanlalhriata and Ms. C. Lalrinmawii were arrested by S.I. Zothantluangi Chenrang of Excise & Narcotics Department in connection with the recovery of 1537 grams of suspected heroin. Thereafter, the applicant (Ruthi Lalduhawmi) alongwith one Mr. John C. Lalmangaiha were arrested on 02.06.2023 in connection with the recovery of 2112 grams of suspected heroin. Accordingly, the applicant is in judicial custody till date.

4. The applicant had submitted bail application before the learned Judge, Special Court, ND&PS Act, Aizawl, Mizoram which was registered as Bail Appln. No. 1682/2023 but the said application was rejected vide Order dated 26.10.2023.

5. Ms. Lalngaihsaki Fanai, learned counsel for the applicant submits that the applicant is innocent and had no knowledge of the contraband item and she was at her friend's place alongwith her boyfriend/co-accused, Mr. John C. Lalmangaiha. She further submits that the recovery of 2112 grams of suspected heroin was made from the house of her said boyfriend/co-accused and no recovery of seized article was made from the possession of the applicant. She accordingly submits that the applicant had no conscious possession, knowledge and involvement of the said contraband articles and that she is falsely implicated in the present case.

6. On the contrary, Mrs. Mary L. Khiangte, learned Addl. Public Prosecutor strongly opposes the prayer of the bail and she submits that the Case Diary indicates that the applicant had conscious possession of the seized articles in question and that this is not the first time that she was involved for similar offence. She further submits that from the materials available in the Case Diary,

it transpires that the applicant and her boyfriend/co-accused were involved in international drug dealing.

7. I have considered the submissions made by both the parties and also perused the materials available on record as well as the Case Diary, which is produced before this Court in terms of the Order dated 13.12.2023.

8. Considering the totality of the facts and circumstances of the case and also rigours of Section 37 of the ND&PS Act, 1985, this Court prima facie is of the opinion that the applicant/accused person is guilty of such offence and in view of the fact that she has already committed such offence earlier, this Court is not inclined to grant bail.

9. Accordingly, the bail application stands rejected.

10. It is needless to clarify that, any observation 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, including in the pending trial of the case.

11. Case records received from the Excise & Narcotics Department in connection with Case No. N-146/23 is returned back.

JUDGE

Comparing Assistant