

GAHC020000262023



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

Case No. : Bail Appln./1/2023

KAFIL AHMED
AGED ABOUT 42 YEARS,
S/O SAKIL AHMED,
R/O VILLAGE BARHBETA CHAPORI,
DANISH NAGAR, LICHUBARI, P.O. JORHAT,
P.S - JORHAT, DISTRICT - JORHAT, ASSAM,
PIN - 785001

VERSUS

THE STATE OF NAGALAND
REPRESENTED BY THE PUBLIC PROSECUTOR, NAGALAND

Advocate for the Petitioner : S R A NASER

Advocate for the Respondent : GOVT ADV NL

**BEFORE
HON'BLE MR. JUSTICE KAKHETO SEMA**

ORDER

Date : 17-03-2023

Heard Mr. G. Alam, the learned counsel for the applicant and Mr. K. Angami, the learned Public Prosecutor for the State respondent.

The present Bail Application has been filed under Section 439 of the Code of Criminal Procedure, 1973 for releasing the

accused/applicant who was arrested in connection with Dimapur East P.S. Case No. 0235/2022 under Section 22(c), NDPS Act, 1985.

This Court has perused the Case Status Report furnished by the learned P.P. A perusal of the Report shows that 50 Nos. of soap cases suspected to contain heroin (SF) weighing 608 gms approximately was seized by the Police from the present applicant and two co-accused namely, Lunmingam Hansing and Paomang Lienthang on 02.11.2022 from Room No. 13, Hotel East Inn at Supermarket, Dimapur. The Report reveals that one lady, by the name Lalam Kuki, resident of Manipur State had informed accused Lunmingam Hansing that she was in possession of a large quantity of heroin and therefore told accused Lunmingam Hansing to arrange customers for selling the contraband (heroin). The contraband was accordingly transported to accused Lunmingam Hansing by Lalam Kuki at Dimapur. Accused Lunmingam Hansing accordingly contacted co-accused Paomang Lienthang to arrange customers for selling the contraband. Co-accused Paomang Lienthang in turn contacted the present applicant/accused and through whom two customers namely Mr. Ansari and Mr. Sajul Khan from Ghorapati Area, Dimapur were contacted. Mr. Ansari and Mr. Sajul Khan, after negotiating with the accused persons agreed to purchase the contraband at the rate of Rs. 16,000/- (Rupees Sixteen Thousand) per soap case. It was when the three accused persons were scheming to sell/dispose the contraband to Mr. Ansari and Mr. Sajul Khan that the Police arrested the three accused persons and also seized the contraband (heroin) from Hotel East Inn at Supermarket, Dimapur. The Report submitted by the Police itself indicates that all

the three accused persons are hand-in-glove in the commission of the crime. The accused persons in the case are charged under Section 22(c) which is a serious offence punishable with Rigorous Imprisonment for the term not less than 10 years but which may extend to 20 years and shall also be liable to fine which shall not be less than Rs. 1 lakh but which may be extended to Rs. 2 lakhs. The Report submitted by the Police further states that all procedures have been completed and the final form will be submitted at the earliest after FSL Expert Opinion Report is received.

Considering all these facts and circumstances and the seriousness of the crime, this Court is not inclined to grant bail to the applicant/accused at this stage.

Bail Application rejected. Petition disposed.

Sd/-
JUDGE

Comparing Assistant