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**IN THE HIGH COURT OF MANIPUR
AT IMPHAL**

Bail Appln. No. 14 of 2024

Jiting Kom

...Petitioner/s

- Versus -

Union of India

...Respondent/s

B E F O R E

HON'BLE MRS. JUSTICE GOLMEI GAIPHULSHILLU

07.12.2024

Heard Mr. M. Ibotombi Singh, learned counsel appearing for the petitioner and Mr. W. Darakishwor, learned Sr. PCCG appearing for the respondent.

The present application has been filed by the petitioner u/s 439 of Cr.P.C read with section 37 of the ND&PS Act for releasing the accused/petitioner on bail with the following prayer;

"15. In the premises aforementioned, it is most respectfully prayed that your Lordship be pleased to:

enlarge the accused on bail in connection with the case NCB Crime No. 05/04/NCB/IMP/WY/CL/2020 dated 07.12.2020 U/S. 22(C), 23, 25 & 29 of NDPS Act, 1985 (as amended) in S.T. No 14 of 2021 to breathe the fresh air of justice freely and also for the ends of justice.

And the petitioner, as in duty bound, shall ever remain pray."

The petition has been filed on the following grounds;

- (i) The accused is quite innocent; he had never committed any offence which may compel to the Respondent for prima facie offence under section ND&PS Act;
- (ii) The accused was falsely implicated in the complaint of the respondent due to lack of communication of language problem;
- (iii) The petitioner should be given fundamental right to his life and liberty to avail the legal remedy as available in the law and the same should not be curtailed for any unreasonable reason whatsoever;
- (iv) The accused is being confined in Prison from 7-12-2020 without any progress of the trial, under the circumstances, where the period of incarceration awaiting adjudication of guilt become unduly long, the right to life and the protection of fair and reasonable procedure, envisaged by Article 21, are jeopardized;
- (v) By any standard, it is very unlikely that the trial would be concluded in a reasonable period and that further incarceration of the accused, in the face of extremely unlikely situation of the trial being completed in near future, would be in negation of the protection of life and personal liberty under Article 21;
- (vi) The denial of bail, in such circumstances would render the procedure not only unreasonable but unconscionable as well. The

trial is not concluded expeditiously, the procedure which deprives the personal liberty for an inordinate period is then put to the test of fairness and reasonableness, envisaged by Article 21 of the Constitution.

- (vii) The petitioner undertakes to obey all the conditions and to obey any other conditions if imposed by the Hon'ble Court.

Brief fact of the case is that the accused/petitioner was arrested by a team of NCB on 07.12.2020 from Moreh, Chandel District along with 5 other persons in C/W NCB Crime No. 05/04/NCB/IMP/ WY/CL/2020 dated 07.12.2020 U/S. 22(C), 23, 25 & 29 of NDPS Act, 1985 (as amended) and seized the following articles in presence of the witnesses under Mahazar;

- (i) 78.1 Kgs of Methamphetamine
- (ii) 7.97 Kgs of Methamphetamine powder
- (iii) 29.5 Ice Crystal
- (iv) .2.2 Kgs of Crude Methamphetamine
- (v) 10.3 Kgs of White Powder of Methamphetamine
- (vi) 28,500 of Tramadol Capsule
- (vii) 13500 Pregbalin Capsule and
- (viii) 140500 of Bus Pirone Hydrochloride Tablet

Learned counsel for the accused/petitioner submits that the accused/petitioner is being confined in judicial custody since 07.12.2020 without any progress of the trial.

Mr. W. Darakishwor, learned Sr. PCCG submits that out of the cited 8 witnesses in the Charge sheet only 3 witnesses are remained to be examined. He further relied upon the following Judgment;

- (i) Hon'ble Supreme Judgment – Criminal Appeal Nos. 1001-1002 of 2022 [Narcotics Control Bureau Vs Mohit Aggarwal]
- (ii) (2013) 3 Supreme Court Cases 63 [State of Assam vs Ripa Sarma]
- (iii) Delhi High Court Judgment – Bail Application No. 1939 of 2021 [Asante Pinket Owusu Vs NCB]

The accused/petitioner was arrested on 07.12.2020 and are remained in Jail till date, it is almost 4 years and Sections alleged against the present accused/petitioner by the I.O of the case in the FIR are U/S. 22(C), 23, 25 & 29 of NDPS Act, 1985 and the punishment, if the accused/petitioner is convicted under this sections, are maximum of 20 years and minimum of 10 years. The present accused/petitioner is in the custody for almost 4 years and not yet completed 5 years of the minimum punishment.

After hearing both the learned counsel appearing for the parties and after perusal of the application with the ground and counter affidavit of the respondent, this Court is of the view that the allegation made against the present accused/petitioner are of very serious in nature and on top of that as per the submission made by the learned counsel appearing for the respondent as well as step taken by the respondent investigating authority, the

investigating authorities have done their job very well as per the provision of law in the present case.

Learned counsel for the petitioner relied upon the Hon'ble Supreme Court Judgment in "Criminal Appeal No. 2790 of 2024". But, reliance's made by the learned counsel for the petitioner is not applicable in the present case.

Considering the seriousness of the allegations made against the accused/petitioner and the quantum of seized articles are huge numbers. And considering the facts that the investigating authority has done their job very well and as per the submission made by the learned counsel for the respondent that the examination of the PWs is going to be completed only 3 witnesses are to be examined.

Under the facts and circumstances, the present bail application is rejected.

JUDGE

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