

GAHC010087852024



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

Case No. : Bail Appln./1287/2024

THEMBOI @ SMT. THEMBOI SINGSON
D/O DAMKHOLEN SINGSON
R/O LEIMAKHONG, EX-SERVICEMAN COLONY, KANTO, P.O.
MANTRIPUKHARI, P.S. SEKMAI
DIST. IMPHAL WEST, MANIPUR.

VERSUS

UNION OF INDIA
TO BE REP. BY THE DIRECTORATE OF REVENUE INTELLIGENCE,
GUWAHATI ZONAL UNIT, GUWAHATI.

Advocate for the Petitioner : MR. A AHMED

Advocate for the Respondent : SC, DRI

BEFORE
HONOURABLE MR. JUSTICE ARUN DEV CHOUDHURY

ORDER

Date : 06-06-2024

1. Heard Mr. A Ahmed, learned counsel for the petitioner. Also heard Mr. S.C. Keyal, learned Standing counsel, DRI, Assam.
2. This is an application under section 439 Cr.P.C seeking bail by

the accused/petitioner, namely, ***Themboi @ Smt. Themboi Singson***, who was arrested on 16.09.2023 in connection with CRL NDPS Case No.92/2024, pending before the court of learned District & Sessions Judge, Kamrup (M), Guwahati, Assam arising out of DRI Case No.16/CL/NDPS/HEROIN/DRI/GZU/2023-24 of the NDPS Act.

3. The case of the DRI is that on 15.09.2023, on the basis of specific information that two persons are carrying substantial quantity of narcotic drugs staying in room No.5 of Lamka Guest House, Rajgarh, Link Road, House No.04, Anil Nagar, Guwahati, Assam, the DRI Officers of Guwahati zonal unit was formed and after following due process recovered 88 soap cases containing pinkish powdery substances suspected to be heroin, in a bag from the possession of some two accused persons, who were apprehending.

4. On further enquiry, the apprehended persons informed the DRI Officers that there was another lady, namely, Smt. Themboi Singson and the said lady presently staying at room number 407 of the Maa Kamakhya Grand Hotel at Chhatribari, Guwahati to find prospective buyers.

5. Accordingly the DRI Officers proceeded to the said hotel and arrested the present petitioner, namely, Smt. Themboi Singson with another person namely Fakirul Islam of Mankachar and the accused persons was arrested on 16.09.2023.

6. It is contended by Mr. Ahmed, learned counsel for the petitioner that nothing was recovered from the possession of the petitioner and therefore, rigor of section 37(1) of the NDPS Act is not applicable in the present case. The petitioner has been arrested only

on the basis of the disclosure statement of the accused and has been charged on her own disclosure statement. Therefore, the present is a fit case for grant of bail to the petitioner.

7. Per contra, Mr. S.C. Keyal learned standing counsel, DRI submits that huge quantity of 1118.210 grams of heroin has been recovered and the petitioner is one of the accomplices of the offence alleged and the present accused is also a co-participator and conspirator to the alleged offence.

8. Perused the materials available on record including the scanned copies of the case record and the final complaint.

9. The trial is at a very initial stage and the materials so far collected, more particularly, the alleged nexus between the petitioner and the other accused from whom the contraband has been recovered, do not make out a prima facie case for grant of bail at this stage. Accordingly, the present application stands dismissed at this stage.

10. This court expects that the learned trial court shall try to complete the trial within a period of 6 months from today and the DRI shall ensure the presence of their witnesses, except in a situation beyond their control. The accused should also not delay the trial by taking unnecessary adjournment.

JUDGE