

GAHC010132212023



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

Case No. : Bail Appln./2134/2023

NGAMSEI HAOKIP
S/O TONGLUN HAOKIP
R/O VILL- SHAMPHEI
P.S. CHAKPIKARANG
DIST. CHANDEL, MANIPUR

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. S MUNIR

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 12.03.2024

Heard Mr. S. Munir, learned counsel for the accused-petitioner as well as Mr. M.P. Goswami, learned Additional Public Prosecutor for the State.

2. This is an application filed under **Section 439 Cr.P.C.**, seeking bail by the accused-petitioner, namely, **Ngamsei Haokip**, in connection with **NDPS Case No. 93/2021(arising out of Dillai P.S. Case No. 40/2021)**, registered under **Section 21(c)/29 of NDPS Act, 1985**.

3. The brief facts of the case is that on 01.09.2021, on receipt of the information regarding carrying of huge quantity of narcotic drugs in a bolero vehicle bearing Regd. No. MN-01S-1689, the police of Laharijan petrol post conducted naka checking duty in front of the said petrol post and accordingly, one bolero vehicle bearing Regd. No. MN-01S-1689 was intercepted at Naka point Laharijan and on being searched of the vehicle, 50 number of soap boxes having heroine were kept concealed in both the backlight assembly of the said vehicle. The present petitioner is the driver of the said vehicle and accordingly, he was arrested.

4. The learned counsel for the petitioner submits that the accused/petitioner is the driver of the said bolero vehicle and he has no knowledge regarding 50 numbers of soap boxes containing heroine which was recovered from the said vehicle. As he was hired to drive said vehicle to Guwahati as such, he had no knowledge regarding contraband recovered from the said vehicle.

5. It is also the submission of learned counsel for the petitioner that the petitioner was arrested on 01.09.2021 and since then he has been detained in custody. Out of 13 witnesses, 8 witnesses were examined. It is further submitted that the prosecution has failed to complete the trial within the stipulated period. Under such backdrop, further custodial detention of the petitioner is not required in this case.

6. Learned counsel for the petitioner also contended that the witnesses examined by the prosecution, had not specifically stated anything against the present petitioner to be involved in the alleged offence. Considering the period of detention, bail may be granted to the petitioner.

7. In support of his submission, the learned counsel for the petitioner has placed reliance on the following case laws-

(i) Rabi Prakash vs. The State of Odisha, reported in BLAPL No. 11613/2021.

(ii) Tapas Mondal vs. The State of West Bengal, reported in CRM(NDPS) No. 891/2023.

(iii) Man Mandal & Anr. vs. The State of West Bengal, reported in CRM(NDPS) No. 866/2023.

(iv) Bail Application No. 3548/2023, (Bayar Debbarma @ Jakki & Anr. vs. Union of India).

(v) Bail Application No. 2754/2023, (Deepak Chouhan vs. The State of Assam)

(vi) Bail Application No. 3157/2023, (Md. Majnu Shek vs. The State of Assam)

(vii) Bail No. 3676/2023, (Wangkheirakpam Samarjit Meitei vs. State of Assam)

8. On the other hand, the learned Additional Public Prosecutor has submitted that out of 13 witnesses, 9 witnesses have already been examined. The witnesses have implicated the present petitioner that he was driving the alleged vehicle on the date of incident from which the

commercial quantity of heroine was recovered. At the stage of fag end of trial, the bail application may not be considered.

9. I have considered the submissions made by the learned counsel for the parties. I have also perused the scanned copy of trial court record including the evidence of the witnesses.

10. It appears that out of 13 witnesses, 9 witnesses have already been examined. The trial is about to complete within a short span of time. Situated thus, interference by this Court is not permissible at this stage.

11. Hence, prayer for bail is **rejected**. However, endeavor is made by the trial court to dispose of the matter early.

12. In view of above, the bail application stands disposed of.

JUDGE

Comparing Assistant