

GAHC030001132024



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

**Case No. : Bail Appln./16/2024**

Smt. Zosangliani and 3 Ors.

D/p Zobela (L)

R/o Keifang, Saitual District, Mizoram.      2: Sh. Khaineihthang

S/o Zamdeihkap

R/o Ngaizawl

Khawzawl District

Mizoram.

3: Sh. Pausianmuang

S/o Thangsiankhai

R/o Champhai Bethel

Champhai District

Mizoram.

4: Sh. Langkhanchin

S/o Thangsiankhai

R/o Ngaizawl

Khawzawl District

Mizoram

VERSUS

The State of Mizoram

r/b the Secretary to the Govt. of Mizoram, Excise and Narcotics Department, Aizawl.

**Advocate for the Petitioner** : Mr C Zoramchhana

**Advocate for the Respondent** : P.P./Addl.PP, Mizoram

Linked Case : Crl.Pet./2/2024

Smt. Zosangliani and 3 Ors.  
D/o Zobela (L)  
R/o Keifang  
Saitual District  
Mizoram.

2: Sh. Khaineihthang  
S/o Zamdeihkap  
R/o Ngaizawl  
Khawzawl District  
Mizoram.

3: Sh. Pausianmuang  
S/o Thangsiankhai  
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Mizoram.

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Khawzawl District  
Mizoram.  
VERSUS

The State of Mizoram  
r/b the Secretary to the Govt. of Mizoram  
Excise and Narcotics Department  
Aizawl.

Advocate for the Petitioner : Mr C Zoramchhana  
Advocate for the Respondent : P.P./Addl.PP  
Mizoram

**B E F O R E**  
**HON'BLE MRS. JUSTICE MARLI VANKUNG**  
**O R D E R**

**28.03.2024**

Heard Mr. C. Zoramchhana, learned counsel for the applicants along with Mrs. Mary L. Khiangte, learned Addl. Public Prosecutor for the State respondent.

**2.** This is an application filed under Section 439 Cr.P.C. read with Section 37 of the ND & PS Act for release of the applicants on default bail.

**3.** The learned counsel submits that the instant applicants are entitled to be released on default bail under Section 167 Cr.P.C. since they have been detained for more than 180 days without the charge sheet being filed and that the instant applicants are charged under section 21(c) for an alleged possession of 643 grams of white powder suspected to be heroin in Excise Case No. N-197/2023.

**4.** The learned counsel submits that the learned Special Court, ND & PS Act in its order dated 05.02.2024 had erred in mentioning that the charge sheet was filed on 19.12.2023 since a perusal of the Order sheet shows that there is no signature of the learned Judge, Special Court, ND & PS Act showing the receipt of the said charge sheet.

**5.** Mrs. Mary L. Khiangte, learned Addl. Public Prosecutor on the other hand submits that the Judicial Section of the District Court have maintained a separate register where receipt of the charge sheet is shown as 19.12.2023 and therefore, it has been verified that the charge sheet was filed on 19.12.2023 even though there is no signature of the learned Judge, Special Court, ND & PS Act on the Order sheet in the case record.

**6.** Having heard the submissions made by the learned counsels for both the parties and on perusal of the copy of the register which has been filed before this court and duly exhibited as Ext.1, this court finds that the charge sheet was filed in the Judicial Section and duly signed in the registered by the learned Judge, Special Court, ND & PS Act on 19.03.2023.

**7.** In view of the above, this court finds that the charge sheet has been filed before the expiry of 180 days and therefore the application for release of the petitioner on default bail is dismissed finding no grounds t interfere with the order of the learned Judge, Special Court, ND & PS Act in Bail Appln. No.36 of 2024 dated 05.02.2024.

**8.** Accordingly, Bail Application No.16/2024 stands disposed of.

**9.** On the disposal of the Bail Application No.16/2024 the connected Crl. Petn. No.2/2024 subsequently stands disposed of since the Crl.Petn. No.2 of 2024 is a petition for setting aside the order dated 05.02.2024 in Bail Appln. No.36 of 2024.

**JUDGE**

**Comparing Assistant**