

GAHC030001742024



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

Case No. : Bail Appln./32/2024

Sh. Lalrammuana
S/o Runkaithanga (L)
R/o North Dintlang, Champhai.

VERSUS

The State of Mizoram and Anr.
r/b the Secretary to the Govt. of Mizoram, Excise and Narcotics Department, Aizawl,
Mizoram. 2:The Officer-in-Charge
Anti-Narcotic Squa

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

BEFORE
HONOURABLE MRS. JUSTICE MARLI VANKUNG
ORDER

Date : 27-03-2024

Heard Mr. C. Lalfakzuala, learned counsel for the applicant/petitioner along with Mrs. Mary L. Khiangte, learned Additional Public Prosecutor for the State respondents.

2. This is a bail application filed under Section 37 of the ND&PS Act, 1985 r/w Section 439 Cr.P.C for the enlargement of the applicant/petitioner on bail pending the conclusion of the trial.

3. The learned counsel submits that the applicant was arrested on 12.06.2023 at 11:20 PM at his residence, North Diltlang Village, Champhai by the Excise & Narcotics personnel for alleged commission of an offence punishable under Section 21(c) of the ND&PS Act in connection with Excise & Narcotics, Anti-Narcotics Squad, Aizawl Case No. Ex-N-162/23 dated 11.06.2023 for the seizure of 5.810 kgs of suspected Heroin. The learned counsel submits that the suspected Heroin weighing 5.810 kgs was seized from a vehicle Ashok Leyland Truck and the evidence shows that the applicant is not involved in any way in the recovery of the seized contraband substance or in the transportation, manufacture, sell or purchase of the seized contraband substance.

4. The learned counsel submits that the only reason why he has been wrongly made an accused in the instant case is because he had allowed his brother, the co-accused Lalngaihawma to utilize his bank account for transaction of money for which the Investigating Agency had alleged that money was used in relation to transaction of the said illicit drugs. The learned counsel submits that though his bank account was used by his brother, it was done without obtaining any permission or authority from the instant applicant/petitioner to use his bank account. The learned counsel also submits that the applicant had no knowledge regarding the purpose for which the money was sent to his account but did not object strongly when he discovered that money was sent to his account since he needed to keep his CIBIL score high so as to enable him to obtain loan from the bank. The learned counsel submits that the instant applicant/petitioner is innocent of committing any offence under Section 21(c) of the ND&PS Act and that he may be enlarged on bail. He further submits that there is no danger of the applicant/petitioner absconding during the trial of the

case since he is a permanent resident of North Diltlang, Champhai and the Epic Card and Adhar Card have also been duly enclosed in the bail application.

5. Mrs. Mary L. Khiangte, learned Additional Public Prosecutor submits that there are no substantial grounds for releasing of the instant bail applicant/petitioner on bail since it is not possible to use the bank account of the applicant/petitioner without him having any knowledge. She further submits that the North Diltlang Village is bordering Myanmar and it is likely that the applicant/petitioner could jump bail and abscond to Myanmar during the pendency of the case.

6. Having heard the submissions made by both the parties and considering the fact that prima facie the involvement of the bail applicant/petitioner appears to be only to the extend where one of the co-accused, who is the brother of the applicant/petitioner had deposited money in his bank account. A *prima facie* perusal of the documents on record does not show the involvement of the instant applicant/petitioner except for the above allegation.

7. In view of the above, this Court finds it fit to grant bail to the applicant/petitioner with a bail bond of Rs. 50,000/- and with two reliable sureties, who shall be to the satisfaction of the learned Judge, Special Court under ND&PS Act and the learned Trial Court may also impose any other conditions found appropriate.

8. Accordingly, Bail Application No. 32/2024 stands allowed and disposed of.

JUDGE

Comparing Assistant