

GAHC030003082024



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

Case No. : Bail Appln./49/2024

Ramchandra Das
Boxanagar GP, Ward No. 4, PO - Boxanagar, PS - Kalamchoura, District - Sepahijala,
Tripura - 799102

VERSUS

State of Mizoram
Aizawl

Advocate for the Petitioner : Mr. Siraj Ali

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

BEFORE
HONOURABLE MRS. JUSTICE MARLI VANKUNG
ORDER

Date : 14.05.2024

Heard Mr. Siraj Ali, learned counsel for the petitioner, who has filed the instant bail application under Section 439 of the Code of Criminal Procedure r/w Section 37 of the ND&PS Act for granting bail to the accused person/petitioner, who has been in custody for 213 days in connection with case no. Excise & Narcotic Case No. N-231/2023 under Section 22(c) of the ND&PS Act.

On perusal of the documents enclosed, it is seen that there is no previous bail application filed before the learned Judge, Special Court, ND&PS Act. Thus, this Court

finds that the instant offence for which bail is applied for is under Section 22(c) ND&PS Act, which is not an offence punishable with death or imprisonment. No sufficient reasons is given to invoke the special powers of this Court under Section 439 Cr.P.C. This Court therefore, find it more appropriate that the applicant, in the first instance, move the bail application before the learned Judge, Special Court, ND&PS Act.

Accordingly, the instant Bail Application No. 49/2024 stands disposed of as above.

JUDGE

Comparing Assistant