

GAHC030004242024



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

Case No. : Bail Appln./63/2024

Lalthansanga
Bethlehem Vengthlang, Aizawl, Mizoram

VERSUS

State of Mizoram
Aizawl

Advocate for the Petitioner : Mr. Lalpianfela Chawngthu

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

04.07.2024

Heard Mr. Lalpianfela Chawngthu, learned counsel for the applicant/petitioner along with Mrs. Linda L. Fambawl, learned Public Prosecutor for the State respondent.

This is an application filed under Section 439 Cr.P.C read with Section 37 of ND & PS Act for grant of bail to the accused/petitioner who was arrested in connection with Spl. Narcotics P.S. Case No.26 of 2024 under Section 21(c)/29(1)/25 of ND & PS Act, 1985 read with Section 14A of Foreigners Act.

The learned counsel for the petitioner submits that the petitioner was arrested on 12.06.2024 at Saitual Police Station along with the co-accused Ginsian Khawmung of Bulfek, Myanmar on the allegation of seizing 2.340 Kgs of suspected heroin kept in 200 soap cases, which is having a market value of Rs.70,20,000/- from the possession of the present petitioner and the co-accused.

The learned counsel submits that the petitioner is innocent of the charged registered against him and that he is a permanent resident of Aizawl. He further submits that the seized article was not seized from his possession but from the co-accused. The learned counsel further submits that the petitioner may be released on bail on medical grounds since he is suffering from chronic liver disease and he is presently being looked after at ZMC Hospital since he is admission into the Hospital on 14.06.2024.

The learned counsel submits that the because of his medical condition he is not fit to be kept in judicial custody and therefore pray for grant of bail since the petitioner is also innocent of the charged under Section 21(c) of ND & PS Act.

Mrs. Linda L. Fambawl, learned Public Prosecutor on the other hand has strongly objected to the release of the petitioner on bail at this stage submitting that the seized article is of huge quantity and was seized from the joint possession of the petitioner and the co-accused. She further submits that even though the petitioner is said to be suffering from chronic liver disease, he was fit enough to travel when the seized article was seized from their joint possession. She further submits that the petitioner is not a permanent resident of Aizawl and is likely to abscond, if bail is granted.

Having heard the submissions made by the learned counsels for both the parties, this court finds that the petitioner is being given the necessary medical treatment at ZMC Hospital and therefore, it appears that it may not be necessary to release to grant him bail purely on medical grounds. It is also seen that he has been charged under Section 14 of the Foreigners Act and therefore there could be a possibility of him absconding, if granted bail at this stage.

This court also finds that there is no prima facie evidence to show that the petitioner could be innocent of the charge made out against him under Section 21(c) of the ND & PS Act.

For the above reasons, this court does not find any grounds to grant bail to the petitioner at this stage.

Accordingly Bail Application No.63/2024 stands dismissed and disposed of.

JUDGE

Comparing Assistant