

GAHC030005512023



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

Case No. : Crl.Pet./10/2023

Smt. Lalramthangi
D/o Pakunga (L)
R/o Thuampui
Aizawl, Mizoram

VERSUS

The State of Mizoram r/b Secy/Commissioner, Excise and Narcotics Dept., and Anr.
Aizawl2:The Officer-in-charge
Anti-Narcotics Squad
Excise Dept

Advocate for the Petitioner : Mr. J H Ramneihmawia

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

30.01.2024

Heard Mr. J.H. Ramneihmawia, learned counsel for the petitioner along with Mrs. Mary L. Khiangte, learned Addl. Public Prosecutor for the State respondents.

2. Mrs. Mary L. Khiangte, learned Addl. Public Prosecutor in terms of this Court's

order dated 08.11.2023, submits that the allegation, that the learned Trial Court had made verbal instructions to deposit a sum of 1.5 lakhs into the court is not correct and she has produced the Order sheet dated 19.05.2023 wherein, it is seen that the learned trial court had passed the order for a bond of Rs. 2.5 lakhs to be deposited as security for the release of the vehicle BR No. MZ-01J/4353 to the petitioner on *zimanama*.

3. Mrs. Mary L. Khiangte, learned Addl. Public Prosecutor further submits that she was informed by the learned trial court that there were no verbal instructions made for deposit of Rs.1.5 lakhs as alleged. The learned Addl. Public Prosecutor further submits that she was informed that the learned trial court has simply mentioned that she may consider reduction of the bond.

4. Having heard the submission and the explanation made by the learned Addl. Public Prosecutor, this court finds that there is no substance in the allegation made that a verbal order was passed by the learned trial court for the deposit of 1.5 lakhs instead of 2.5 lakhs as a bond for the release of vehicle on *zinamana*.

5. Mr. J.H. Ramneihmawia, learned counsel for the petitioner submits that he has no further submission to make with regards to the verbal instructions for deposit of 1.5 lakhs by the learned trial court and does not wish to press the matter. He however submits that Rs. 2.5 lakhs which was required to be deposited into the court as bond for release of the vehicle BR No. MZ-01J/4353 cannot be met by the petitioner and prayed that said amount may be released.

6. He further submits that since the petitioner is the owner of the vehicle and a permanent resident of Thuampui Town, Aizawl. There is no danger of her disposing of the said vehicle and submits that the said vehicle will be produced as and when required by the trial court.

7. Mrs. Mary L. Khiangte, learned Addl. Public Prosecutor submits that the fixed amount is produced at court, the petitioner should be a huge bond that the said vehicle be produced as and when required by the learned trial court so as not to hamper the trial of the case against the accused Lalthankunga in Excise Case No.N-22/2023 under Section 21(b) of ND & PS Act, 1985.

8. Having heard the submissions made by the learned counsel for both the parties and considering the fact that the petitioner is the owner of the vehicle wherein, she is not accused in Excise Case No. N-22/2023, this court finds it fit to reduce the bond from Rs. 2.5 lakhs to 50,000/- (fifty thousand) and on the conditions that the said vehicle BR No. MZ-01J/4353 would not be disposed of by the petitioner before the conclusion of the Excise Case No. N-22/2023 and will be produced as and when required by the trial court.

9. Accordingly, Crl. Pet. No.10 of 2023 is allowed as above and disposed of.

JUDGE

Comparing Assistant