

GAHC030006192023



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

Case No. : Bail Appln./56/2023

Sh. Lianchithanga
S/o Tialchhawna
R/o Champhai, Kanan Veng.

VERSUS

The State of Mizoram
Aizawl

Advocate for the Petitioner : Mr. Jonathan Lalrintluanga

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

B E F O R E

HON'BLE MR. JUSTICE MICHAEL ZOTHANKHUMA

25.01.2024

Heard Mr. Jonathan Lalrintluanga, learned counsel for the petitioner. Also heard Mrs. Mary L. Khiangte, learned Addl. Public Prosecutor for the State.

2. The learned counsel for the petitioner submits that the petitioner was arrested on 24.04.2023, on the charge of having in his possession 1.460 kgs of Methamphetamine, which was recovered from the bag he was carrying. The petitioner was accordingly charged under Section 22(c) of the ND&PS Act and trial has started in

the Special Court. He submits that though chargesheet has been filed and trial has started, no prosecution witnesses have turned up till date. He submits that the petitioner did not know that he was carrying Methamphetamine. His only role was to collect a bag from a Tata Sumo and deliver it to a person, without knowing the contents of the bag. He accordingly prays for bail on the ground that the petitioner was not in conscious possession of the seized contraband.

3. The petitioner's counsel submits that as per the chargesheet, the contraband was seized from the polythene which was not transparent.

4. Mrs. Mary L. Khiangte, learned Addl. Public Prosecutor, on the other hand submits that the petitioner was arrested due to the recovery of the contraband from the transparent polythene bag he was carrying. She submits that the petitioner would have known the contents of the polythene, as Methamphetamine is kept in tablet form. She also submits that the stand taken by the petitioner that he did not know the contents of the bag/ polythene he was carrying is unbelievable.

5. The only ground for bail taken by the petitioner is that he was unaware of the contents of the polythene from which the contraband was recovered. The said contention, in the view of this Court, is no ground for bail, especially, when the contraband seized is of commercial quantity, wherein the rigors of Sections 35 and 37 of the ND&PS Act come into play. Further, as the case is in the trial stage, this Court is not inclined to grant bail.

Bail application accordingly stands dismissed.

JUDGE

Comparing Assistant