

**IN THE HIGH COURT OF MANIPUR
AT IMPHAL**

BAIL APPLN. No. 21 of 2024

Shri Anilbhai Nayaka, aged about 30 years, s/o Shri Kantibhai Nayaka of D-T-1 Krusha Apartment, near Anand Nagar Vejalpur, Ahmedabad, Gujarat-380051.

...Petitioner/Accused Person

- Versus -

The Union of India represented by the Narcotics Control Bureau (NCB) through its Intelligence Officer, Narcotics Control Bureau (NCB), CPWD Quarters, Changangei Kongba Uchekon-Imphal West, Manipur – 795008.

...Respondent

WITH

BAIL APPLN. No. 22 of 2024

Shri Nitin Kumar Panchal, aged about 57 years, s/o Shri Yashwantlal, of 2739 Luhars Corner, Dariyapur Police Chowki Dariyapur, Ahmedabad, Gujarat-391250.

...Petitioner/Accused Person

- Versus -

The Union of India represented by the Narcotics Control Bureau (NCB) through its Intelligence Officer, Narcotics Control Bureau (NCB), CPWD Quarters, Changangei Kongba Uchekon-Imphal West, Manipur – 795008.

...Respondent

B E F O R E

HON'BLE MR. JUSTICE A. GUNESHWAR SHARMA

For the petitioners : Mr. T. Momo, Sr. Advocate;
Ms. N. Diana, Advocate

For the respondent : Mr. W. Darakeshwar, Sr. PCCG

Date of hearing : 06-05-2025

Date of order : 24-07-2025

ORDER [CAV]

[1] Heard Mr. T. Momo, learned senior counsel assisted by Ms. N. Diana, learned counsel for the petitioners and Mr. W. Darakeshwar, learned Sr. PCCG for the respondent.

[2] As the facts are similar in nature in both the bail applications, these applications are heard together and are disposed of by this common order.

[3] The present bail applications have been filed by the petitioners under Section 439 of the Code of Criminal Procedure, 1973 read with Section 37 of the Narcotic Drugs and Psychotropic Substances Act, 1985 with a prayer for enlarging the petitioners/accused persons on bail in connection with the Special Trial Case No. 26 of 2023 which is pending before the learned Special Court (ND&PS), Manipur.

[4] The petitioner in Bail Appln. No. 21 of 2024 has been employed for about 6-7 years with M/s Recover Healthcare Ltd., Ahmedabad, while the petitioner in Bail Appln. No. 22 of 2024 has been employed with the same company for about 20 years. M/s Recover Healthcare Ltd. is a pharmaceutical firm operating since 2002 and has no history of criminal proceedings, except for the present case.

[5] The petitioners were arrested by the NCB on 09-05-2023 and have been in judicial custody since then. A Final Complaint (Charge-sheet) was filed on 03-07-2023 by the NCB before the Special Judge, NDPS Court, Imphal, Manipur against all the accused persons including the petitioners. The petitioner in Bail Appln. No. 21 of 2024, a resident of Ahmedabad,

Gujarat, is the father of a daughter and also supports his wife, mother (a house-help), and father (a gardener). The petitioner in Bail Appln. No. 22 of 2024 is unmarried and resides in Ahmedabad, Gujarat with his family where his father is undergoing treatment for end stage of kidney cancer. Both the petitioners have no previous criminal antecedents apart from the present case.

[6] As per the Final Complaint (Charge-Sheet) dated 03-07-2023, the NCB allegedly recovered 533 plastic pouches/packets, with each packet containing 1000 numbers (weighing 110.5 kg) of suspected Pseudoephedrine falsely labelled as “CETRIZINE HYDROCHLORIDE TABLETS 10 MG Levocet” along with 860 grams of suspected heroin from the house of co-accused Jangminthang Guite at Moreh, Tengnoupal District.

[7] It was alleged that the petitioners, the employees of M/s Recover Healthcare Ltd., were involved in the sale and trafficking of a large quantity of Pseudoephedrine by affixing fake labels and facilitating its distribution.

[8] It was alleged that fake labels of “CETRIZINE HYDROCHLORIDE TABLETS 10 MG Levocet, Batch No. 075/22 manufactured by Sunview Biotech” were affixed on plastic pouches containing Pseudoephedrine tablets, which were delivered to co-accused Md. Abdul Wakil at Delhi through Giri cargo, out of which 533 such plastic pouches were later seized from co-accused Jangminthang Guite on 03-03-2023.

[9] It was alleged that during the house search of the petitioner, Shri Nitin Kumar Panchal, various documents and fake labels related to the

diversion of 110.5 kg of Pseudoephedrine tablets were recovered. A further search at the office of the said M/s Recover Healthcare led to the seizure of 64 fake labels identical to those found on the seized 533 packets of Pseudoephedrine tablets. CDRs revealed regular contact between the petitioners and other co-accused, namely Abdul Wakil around the time of the alleged delivery. The petitioners were arrested by NCB on 09-05-2023 and formal arrest memos were issued and Search-cum-Seizure list (Panchanama) was prepared on 09-05-2023.

[10] The Central Government declared “Pseudoephedrine” as a controlled substance vide notification No. S.O. 1296 (E) dated 28-12-1999 published in the Gazette of India, Extra Part-II, Section 3, Sub-Section (ii).

[11] The transit remand application for the petitioners was allowed by an order dated 10-05-2023 passed by the learned Special Judge (NDPS), Ahmedabad.

[12] The petitioners filed first bail applications being Cril.Misc. (B) Case No. 128 of 2023 and Cril.Misc. (B) Case No. 129 of 2023 before the learned Special Judge, (ND&PS), Manipur at Lamphelpat seeking release on bail. The learned Special Judge, ND&PS, Manipur rejected the bail applications by an order dated 26-06-2023 and made the following observation:—

“5. Perused materials on record. There are documents showing the seizure of sticker set/labels of Tablet Colzen having composition Tripoldine HCl and Pseudoephedrine HCl amongst other documents from the house of the applicant No. 2, Panchnama, statements of witnesses under S. 67 of the ND&PS Act etc. On perusal of the materials on record, I am of the view that at this

stage there exist sufficient basis for proceedings against the accused/applicants in respect of the alleged offences. There exists no such facts and circumstances on record that are sufficient in themselves to justify satisfaction that the accused/applicants are not guilty of the alleged offences or no reasonable grounds to believe that the accused persons are not guilty of the said offences. There is also nothing to show that the accused/applicants are not likely to commit any similar offence while on bail.

6. *In the above circumstances, having regard to all the relevant considerations including seriousness and gravity of the alleged offences, I am not inclined to release the two accused/ applicant Nos. 1 & 2 on bail. Therefore, the two bail applications are rejected and stand disposed of.”*

[13] In connection with NCB Crime No. 02/NCB/Imp/2023 dated 03-03-2023 u/s 8(c) & 9A r/w S.21(c), 25A, 25 & 29 of the ND&PS Act, 1985, the IO filed a Final Complaint (Charge-sheet) on 03-07-2023 before the learned Special Judge, ND&PS, Manipur at Lamphelpat.

[14] The petitioner in Bail Appln. No. 21 of 2024 is arrayed as accused No. 5 and the petitioner in Bail Appln. No. 22 of 2024 is arrayed as accused No. 4 in the Special Trial Case No. 26 of 2023 in relation to the said complaint and charges were framed against them by the order dated 18-09-2024 for commission of offences under Sections 25A/29 of the NDPS Act and Sections 465/487 IPC.

[15] The petitioners again filed second bail applications being (i) Cril.Misc.(B) Case No. 262 of 2023 (Ref. Special Trial Case No. 26 of 2023) and (ii) Cril.Misc.(B) Case No. 260 of 2023 (Ref. Special Trial Case

No. 26 of 2023) before the learned Special Judge, ND&PS, Manipur at Lamphelpat under Section 167(2) CrPC r/w Section 439 CrPC seeking default bail on the ground that the Final Complaint dated 03-07-2023 was incomplete as it lacked the chemical examination report/FSL report. The learned Special Judge, ND&PS, Manipur vide order dated 30-11-2023 in Cril.Misc.(B) Case No. 260 of 2023 (Ref. Special Trial Case No. 26 of 2023) and Cril.Misc.(B) Case No. 262 of 2023 (Ref. Special Trial Case No. 26 of 2023) rejected the said bail applications.

[16] The petitioner in Bail Appln. No. 21 of 2024 filed third bail application, Cril.Misc.(B) Case No. 12 of 2024 (Ref. Special Trial Case No. 26 of 2023) under Section 439 CrPC before the learned Special Judge, ND&PS, Manipur at Lamphelpat seeking release on bail. The learned Special Judge, ND&PS, Manipur vide order dated 28-02-2024 rejected the said bail application and made the following observation:

“9. Having regard to the fact that no new substantial ground is raised in the present application for the release of the accused on bail and in view of the stage of the case and the nature and gravity of the alleged offences, I am not inclined to release the accused on bail at this stage. Therefore, the application is rejected and stands disposed of.”

[17] Reply affidavits dated 14-05-2024 have been filed by the respondent. In the reply affidavits, the respondent submits that during investigations, it has also been recorded that the accused Anilbhai Nayaka and Nitin Kumar Panchal themselves admitted that as per the direction from Bhadreshbhai Patel, they received 1500 unmarked plastic pouches, each

containing 1000 Pseudoephedrine tablets from M/s Ardor Drugs Pvt. Ltd. on 19-01-2023 in the name of Admos SR by a tempo. They put fake labels of "CETIRIZINE HYDROCHLORIDE TABLETS 10 MG Levocet with batch No. 075/22 manufactured by Sunview Biotech" on the aforesaid 1500 unmarked plastic pouches of Pseudoephedrine tablets and then delivered to Md. Abdul Wakil at Delhi through Giri Cargo. Therefore, considering the prima facie evidence on record in the instant case, the liberty of a person can be curtailed accordingly. Further proclamation issued against wanted suspect namely, Ms. Sultani, Shri Jangminthang Guite and Ms. Hawlemneng Guite u/s 82 of the NDPS has been flashed in local newspaper on 14-04-2024 and 15-04-2024 and accordingly the Special NDPS Court, Manipur at Lamphel is taking up action in continuing with the trial and proceeding of the case.

[18] It is further submitted that the CDR details corroborated the evidence that there were frequent contacts among the accused Anilbhai Nayaka, Nitin Kumar Panchal, Bhadreshbhai Patel and Abdul Wakil. During investigation, CDRs of mobile numbers of Nitin Kumar Panchal, Anilbhai Nayaka, Bhadreshbhai Patel and Abdul Wakil including others were also analyzed which clearly indicated that they were in regular touch during the delivery of the consignment of Pseudoephedrine tablets.

[19] It is submitted that the forensic examination report dated 26-10-2023 was received through official mail from NCB, Guwahati which gave positive test for Heroin in Exhibit-A and Pseudoephedrine in Exhibit-B. The chemical test report has proven and completed the prosecution justification that all the accused are involved in illegal business which also clearly

indicates the huge conspiracy made on the diversion of the Pseudoephedrine tablets meant for trafficking and manufacturing of Methamphetamine (ATS), a banned drug.

[20] During house search of Nitin Kumar Panchal, fake labels of Triprolidine HCl (Colzen) containing Pseudoephedrine tablets were also recovered on 08-05-2023, which indicated that the criminal conspiracy in the seizure of 533 packets of Cetirizine HCl tablets (Levocet) containing Pseudoephedrine as similar kind of labels were put on those packets which were seized from the premises of Jangminthang Guite on 03-03-2023.

[21] It is submitted that Anilbhai Nayaka has also stated that he came in contact to Abdul Wakil through *Tradeindia* business platform where his mobile no. and mobile no. of his boss namely Bhadreshbhai Patel are registered. He further stated that Abdul Wakil called him on few occasions regarding enquiry related to purchasing of Pseudoephedrine tablets, which he further forwarded to Bhadreshbhai Patel. Thereafter, on his direction he facilitated Abdul Wakil when he came to Ahmedabad for the deal of Pseudoephedrine tablets. He helped in accommodation of Abdul Wakil at Krios Hotel, Ahmedabad. Abdul Wakil in his statement has also confessed that he procured the consignment of 1500 packets of Pseudoephedrine tablets from M/s Recovery Healthcare, Ahmedabad through Anil Bhai Nayaka and Nitin Kumar Panchal.

[22] It is submitted that during investigation, CDRs of mobile numbers of Anilbhai Nayaka and Nitin Kumar Panchal were also analyzed which

clearly indicates that they were in regular touch with Abdul Wakil and Bhadresh Patel during the delivery of the consignment of Pseudoephedrine tablets. (Copies of CDR analysis of Anilbhai Nayaka and Nitin Kumar Panchal have already been submitted at Final Complaint dated 03-07-2023 of pages no. 372, 374 and 377).

[23] It is submitted that the forensic examination report No. CFSL(KR)/627/NAR/32/23 dated 26-10-2023 was received from CFSL Guwahati on 09-11-2023 which gave positive test for Diacetyl Morphine (heroin), Morphine-3-acetate, 6-Monoacetylmorphine and Acetylcodein have been detected in Exhibit-A and Pseudoephedrine has been detected in Exhibit-B.

[24] The accused in the present case, Harshal Desai and Mehul Desai have been issued Detention Order under PITNDPS Act by the Joint Secretary, Ministry of Finance on 28-02-2024 and copy of the same served on 29-02-2024 and 01-03-2024 for engaging in illicit trafficking of narcotics drugs & psychotropic substance and confirmation order is awaited from the advisory board.

[25] It is imperative to furthermore submitted that, the twin test of section 37 of the ND&PS Act which is laid down by Hon'ble Supreme Court envisage that bail should not be granted to an accused unless the accused is able to satisfy twin conditions i.e. reasonable ground for believing that the accused is not guilty of such an offence and that the accused would not commit an offence or is not likely to commit an offence, if granted bail. This aforesaid condition which is a *sine qua non* to consider while examining the

bail matter in ND&PS case.

[26] It is further submitted by the respondent that the following facts came out during investigation:

- i. There has been similar kind of seizure of 13 lakh of Pseudoephedrine tablets affected in Sagaing Region of Myanmar in August 2020. Again 39 lakh Pseudoephedrine tablets in the brand Colzen containing Pseudoephedrine was seized in Champai, Mizoram in March 2023.
- ii. The seized 533 packets in the present case are the part of 1500 packets of Pseudoephedrine tablets that were actually manufactured by Ardor Drugs Pvt. Ltd., Songadh, Tapi. The rest 967 packets got succeeded to go through Moreh border to Myanmar. Thus this case is also having international linkage.
- iii. The present applicants are the main kingpins who have diverted the huge quantity of Pseudoephedrine tablets into illegal channel which has somehow crossed Myanmar border either from Mizoram side or Manipur side.
- iv. This is the 2nd crime committed by the Harshal Desai and Mehul Desai, an accused in the said case while being released on bail in connection with NDPS Case No. 48/2020 registered at Principal District and Session Court, Surat, Gujarat which was initiated by DRI Surat and the present petitioner is a party who have been running this illegal drug trade in connivance with them.
- v. There are still various new aspects are yet to be explored to

ascertain the further linkage or the source of the seized 110.5 kg of Pseudoephedrine tablets, which will not be possible if the accused is granted bail at this juncture.

- vi. That during the course of investigation, house search at the residence of Nitin Panchal (one of the accused in the case from Gujarat) was conducted by NCB and recover some documents of M/s Elite Medical Store, Aizawl which surfaced in the instant case. Follow up was conducted at M/s Elite Medical Store, Aizawl, Mizoram by team NCB, Guwahati on dated 03-11-2023 and statement of the proprietor of M/s Elite store recorded. Accordingly, letter vide NCB 02/NCB/Imp/2023 dated 03-11-2023 to the State Drug Controller, Mizoram, Aizawl was requested to enquire and take necessary action as per D&C act and other relevant laws against diversion of pseudoephedrine tablets. Directorate of Health Services-Food & Drugs Administration wing-Mizoram vide order dated 21st Feb, 2024 cancelled the Drug License of Elite Medical store.
- vii. That enquiry conducted at NCB, Ahmedabad on 12-12-2023 regarding details of URN issued to M/s Ardor Drug Pvt. Ltd. Accordingly, letter issued to ZD, Ahmedabad dated 19-12-2023 seeking details on the URN issued by NCB, Ahmedabad. Further, letter was also issued to the Zonal Director, NCB. Ahmedabad Zonal Unit on 15-03-2024 with a request to cancel the URN of M/s Ardor Drug Pvt. Ltd. issued by NCB Ahmedabad Zonal Unit or any other

URN issued to the accused. NCB, Ahmedabad informed that proposal for cancellation of URN of M/s Ardor Drug Pvt. Ltd. in 2021 was sent to concerned DDG(R) for violation of the provision of RCS order 2013 as the company premises was raided by DRI, Surat, July 2020 and mismatch in quantities of Ephedrine and Pseudoephedrine found.

- viii. That it is humbly submitted that, from the bare perusal of the aforesaid submission cited, it is evidently clear that there are enough prima facie or reasonable ground to believe that the accused had committed an offence. And considering all the other relevant aspect such as the gravity of the charge, likelihood of the offence being repeated or the character and criminal antecedent of the accused taking a cue from the relevant material available on record the principle and yardstick layout therein by the petitioner in the bail application are not satisfied by the petitioner. Therefore, it does not come to an aid for the petitioner in whatsoever manner.
- ix. That the statements of 6 employees of M/s Ardor Drug Pvt. Ltd. was recorded at NCB, Ahmedabad on 12-12-2023 to 14-12-2023. All the 6 employees have stated that details of record of procurement/production/sales/marketing/transportation of pseudoephedrine/ephedrine are maintained and controlled by Harshal & Mehul Desai. All bills/invoices are generated by Harshal and Mehul which clearly shows that the employees are made to work as per the instructions of Harshal and Mehul Desai.

- x. That further investigation and financial investigation is going on to trace and break the chain of illegal trade considering the gravity of the offense committed by the petitioner which are serious in nature. Therefore, considering the key role being played by the accused in the instant case, mere long incarceration of an accused in judicial custody should not be a ground to release the accused on bail as it will frustrate the whole objective of stringent law laid down by the parliament to combat illegal trafficking of drugs and will perpetuate to further crime, the same principle has been laid in a plethora of cases.
- xi. That the accused in the present case, Harshal Desai and Mehul Desai has been issued Detention Order under PITNDPS Act by the Joint Secretary, Ministry of Finance on 28-02-2024 and copy of the same served on 29-02-2024 and 01-03-2024 for engaging in illicit trafficking of narcotics drugs & psychotropic substance and confirmation order is awaited from the advisory board.

[27] Mr. T. Momo, learned senior counsel for the petitioners in both cases, submits that the petitioners are innocent and they have been arrested for being employees of the main accused. It is clarified that they have no direct role in the alleged transportation of controlled substance and they were discharging the duties assigned to them by their employer. In fact, they have no inkling of what was transpired underneath.

[28] Learned senior counsel further states that there was no recovery of Pseudoephedrine tablets from the possession of the petitioners and the

statements of the co-accused recorded under Section 67 of the NDPS Act will not be admissible in view of the decision of the Hon'ble Supreme Court in the case of **Tofan Singh v. State of Tamil Nadu: (2021) 4 SCC 1**. It is also pointed out that recovery made during the search of the office-cum-godown of M/s Recover Healthcare on 09-05-2023 in Gujarat and from the house of co-accused at Moreh, Manipur on 03-03-2023 have no connection with the present petitioners.

[29] It is submitted on behalf of the petitioners that the charges under Section 25A/29 of NDPS Act and Sections 465/487 IPC were framed on 18-09-2024 and the petitioners are in custody since 10-05-2023, and hence further detention of the petitioners will not serve any fruitful purpose.

[30] Mr. T. Momo, learned senior counsel vehemently urges that the strict rigors of the provisions of Section 37 of NDPS Act would not be applicable to a controlled substance. It is pointed out that in the present case, the petitioners have been implicated with the seizure of Pseudoephedrine which is a controlled substance. Reliance is placed on the decisions in- (i) **Dhirendra Prakash Saxena v. Directorate of Revenue Intelligence: 2023 SCC Online Del 2770**, (ii) **Manoj Kumar v. Director of Revenue Intelligence: 2015 SCC Online Del 7830**, (iii) **Tinimo Efere Wowo v. State of NCT of Delhi: 2022 SCC Online Del 46**, (iv) **Niranjan Jayantilal Shah v. Directorate of Revenue Intelligence: 2013 SCC Online 4608**, and (v) **Bail Application No. 16 of 2024: Shri Bhadresh Kr. Patel v. Union of India, order dated 13.12.2024 of High Court of Manipur** (same FIR) to the point that Section 37 of NDPS Act will not be applicable

to controlled substance.

[31] It is further submitted that the petitioners have no previous criminal antecedents and they are ordinary employees of M/s Recover Healthcare Ltd. and are the earning members of their respective family. There is no likelihood of them absconding nor meddling with the process of law and will abide by all the conditions imposed by this Court in case of releasing on bail.

[32] Per contra, Mr. W. Darakeshwar, learned Sr. Panel Counsel for the Central Government, submits that the petitioners herein have been arrested for their complexities in misbranding of Pseudoephedrine tablets as fake labelling of Cetirizine Hydrochloride Tablets 10 mg Levocets. During the course of investigation, they have active role in transporting the controlled drug from Gujarat to Myanmar through Manipur. It is a trans-border drug syndicate. The petitioners have facilitated the co-accused Abdul Wakil from Manipur during his trip in Gujarat. The CDR record shows numerous calls amongst the co-accused. Out of 1500 packets of tablets, 533 packets were seized at Moreh border and rest 967 packets were successfully delivered to the destination in Myanmar. The forensic report indicated Pseudoephedrine for Ext.-B and heroine for Ext.-A.

[33] Learned SrPCC indicates that the petitioners are sending fully knowing that the Pseudoephedrine tablets will be transported to Myanmar for manufacturing of narcotic drug, i.e., Methamphetamine. It is pointed out that the petitioners have committed abetment and criminal conspiracy in the manufacturing of narcotic substance and as such punishable under Section 28 of NDPS Act and the provisions of Section 37 of NDPS Act will be

attracted in the present case against the petitioners for abetment and criminal conspiracy.

[34] Learned counsel for the respondents relies on the decision of Delhi High Court in the case of **Asante Pinket Owusu v. NCB**: <http://indiankanoon.org/doc/125231> to the point that even if Section 37 NDPS Act is not applicable while considering bail application, the provisions of Section 436A CrPC stipulating release on bail if the undertrial prisoner has undergone half of the maximum punishment. It is stressed that the petitioner have not completed half of the maximum 10 years imprisonment prescribed by Section 25A/29 NDPS. Hence, the petitioners cannot be released on bail in view of Section 436A CrPC.

[35] Learned SrPCC further refers to the judgment of **Union of India v. Prateek Shukla: (2021) 5 SCC 430** where Hon'ble Supreme Court set aside the bail order granted by the High Court at Allahabad for the arrest made in connection with seizure of huge quantity of controlled substance. It was held that under NDPS Act, the burden of proof lies on the accused.

[36] Mr. W. Darakeshwar, learned Sr. Panel Counsel also relies on a decision of Kerala High Court in the case of **Kuruthan Ponnalaya & Anr. V. Senior Intelligence Officer**: <http://indiankanoon.org/doc/94548220> to the point that even though Section 37 of NDPS Act is not applicable to the controlled substance, it does not automatically lead to any conclusion that the accused is entitled to get bail. The court can refuse bail, if the accused is likely to flee or will become unavailable to put them to trial or existence of circumstances justifying negation of bail. It is pointed out that the petitioners,

being residents of Gujarat, will most likely be not available during trial, in case of enlarging them on bail. It is submitted that in view of existence of incriminating materials including seizure of huge quantity of controlled substance having potential of using in manufacturing of narcotic substance and likelihood of non-availability before court during trial, it is prayed that the bail applications be dismissed.

[37] This Court has perused the materials on record, the submissions made at bar and case laws cited by the parties.

[38] In the present case, the main allegation against the petitioners is misbranding of controlled substance by putting up fake labels of ordinary drug and assisting in transporting the same to Myanmar through Manipur. They are alleged to have facilitated co-accused Abdul Wakil from Manipur who visited Gujarat to procure the controlled substance. From the record, it is clear that the petitioners are not just normal employees, but participated in misbranding of the controlled substance as normal drug. They have also actively assisted their employer in transporting huge quantity of controlled substance under concealed identity. It has already been pointed out by learned SrPCC that this controlled substance can be used for manufacturing of narcotic substance. Call records indicate numerous callings between the petitioners and co-accused.

[39] This Court finds substance in the submission of learned Central Government Counsel that non-applicability of the strict rigors of Section 37 of NDPS Act to the controlled substance, will not make it compulsory bail to the accused. Keeping in view of seizure of huge quantity of controlled

substance which has potential of using in the manufacturing of narcotic substance and other incriminating material and likelihood of non-availability during trial and trans-border operation, this Court is not inclined to grant bail to the petitioners. Accordingly bail applications are dismissed.

[40] Send a copy of this order to the learned Judge, Special Court, NDPS, Manipur at Lamphelpat for information.

JUDGE

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