



Serial No. 03
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

AB. No. 3 of 2025

Date of Decision: 13.02.2025

Shri. Chanang T. Sangma,
S/o Ketish R. Marak,
R/o New Depa Sarangma Dainadubi
Mendipathar, North Garo Hills District,
Meghalaya.

.....Petitioner

- Vs-

1. The State of Meghalaya
represented by Secretary,
Department of Home & Police Affairs,
Meghalaya, Shillong.
2. The Superintendent of Police,
North Garo Hills District, Mendipathar,
Meghalaya.
3. Investigating Officer, Bajengdoba P.S.
North Garo Hills District,
Meghalaya.
4. Officer-in-Charge, Bajengdoba P.S.
North Garo Hills District,
Meghalaya.

.....Respondents



Coram:

Hon'ble Mr. Justice W. Diengdoh, Judge

Appearance:

For the Petitioner/Appellant(s) : Mr. P.T. Sangma, Adv.

For the Respondent(s) : Mr. S.A. Sheikh, GA.

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| i) | Whether approved for reporting in
Law journals etc.: | Yes/No |
| ii) | Whether approved for publication
in press: | Yes/No |

JUDGMENT AND ORDER (ORAL)

1. Heard Mr. P.T. Sangma, learned counsel for the petitioner, who has submitted that the petitioner has been implicated in connection with Bajengdoba P.S. Case No. 38 (11) 2024 under Section 21(c) NDPS Act on the ground that he was involved in a case, wherein certain contraband psychotropic substance was recovered from the vehicle he was travelling on certain occasions, but not on 24.11.2024. The said vehicle being intercepted by the police, and on search being conducted, such psychotropic substance were discovered and seized. The learned counsel would further submit that the petitioner is nowhere involved in the case, inasmuch as, he is only one of the passengers of the said public vehicle.

2. The learned counsel also submits that the petitioner has no



criminal antecedent, and as such, being falsely implicated in the case, he may be allowed to go on bail in the event of his arrest.

3. It is also the further submission of the learned counsel that the petitioner, on the strength of this Court's order dated 31.01.2025, wherein interim bail was granted to him, had accordingly appeared before the Investigating Officer on 04.02.2025, however, his statement was not recorded.

4. On the basis of the above submission, the learned counsel has submitted that the interim bail may be made absolute, and any conditions may be imposed in the event of his arrest.

5. Per contra, Mr. S.A. Sheikh, learned GA has strongly opposed the prayer made by the petitioner herein on the ground that there are indications that the petitioner is involved in the offence alleged, inasmuch as, the said contraband psychotropic substance, namely Phensedryl contained in 25 bottles of 100ml each were seized. The driver and the passenger of the said vehicle were arrested, however, the name of the person who has sent such consignment is still unknown.

6. The learned GA has also submitted that, in order to find out all



the culprits who are involved in the said transaction, investigation was launched, and in course of investigation, the name of the petitioner herein has figured as one of those persons who are supposed to be recipients of the said consignment. Accordingly, on this ground and several related grounds, the Investigating Officer, therefore, requires the custody of the petitioner herein to further his investigation, and as such, at this point of time, the prayer of the petitioner may not be allowed.

7. Another ground raised by the learned GA is that the seized psychotropic substance constitute commercial quantity in accordance with the provision of Section 21(c) of the NDPS Act, and as such, the operation of Section 37 will come into play, and in view thereof, this Court, without being convinced of the innocence of the petitioner may not allow the prayer made in this petition.

8. This Court has considered the submission made, and has carefully perused the petition in hand as well as the copy of the charge sheet filed. Facts as stated above, need not be repeated, however, apart from the case coming under the purview of Section 37 of the NDPS Act, the fact that the name of the petitioner has cropped up in course of investigation, his role in the whole affair is to be ascertained.



9. Consequently, without going into the detailed merits of the case, this Court is not convinced with the prayer made in this petition. This petition is accordingly dismissed as devoid of merits. The interim protection given is hereby set aside.

10. Matter disposed of.

Judge