



Serial No. 02
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

BA. No. 4 of 2025

Date of Decision: 20.02.2025

Binoy Debbarma,
S/o (L) Bijoy Debbarma,
R/o 115, Bhakta Kabana Pana
Town, Dhaniatha, PS Bishram
Gane, Sub-Division Bishallgarh,
West Tripura.
Presently lodged at District Prisons
& Correctional Home, Jowai,
West Jaintia Hills District.

.....**Petitioner/Accused**

- Vs-

The State of Meghalaya
Represented by the Public
Prosecutor.

.....**Respondents**

Coram:

Hon'ble Mr. Justice W. Diengdoh, Judge

Appearance:

For the Petitioner/Appellant(s) : Mr. P. Yobin, Adv.
Mr. A. Dkhar, Adv.
Ms. B. Ramsiej, Adv.

For the Respondent(s) : Mr. K. Khan, PP. with
Mr. S. Sengupta, Addl. PP.
Mr. R. Gurung, GA.



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. Yobin, learned counsel for the petitioner/accused, who has submitted that the petitioner/accused has been arrested on 21.03.2023 in connection with Lumshnong P.S. Case No. 14 (03) 2023 under Section 20(b)(ii)(c)/29 NDPS Act. On investigation being completed, charge sheet was filed. The matter is now pending before the Court of the learned Special Judge (NDPS), East Jaintia Hills District, Khliehriat being Special (NDPS) Case No. 11 of 2023.

2. It is the submission of the learned counsel that the stage of the case before the Trial Court is for recording of evidence of the prosecution witnesses where out of eight listed witnesses, the prosecution has examined six of them, and today is the date fixed for recording of further evidence of the remaining witnesses. However, the thrust of the learned counsel is two-pronged, firstly, that there was inordinately delay as far as the trial is concerned, inasmuch as, it took the Trial Court about one year and eight months to record the evidence of the six witnesses, and as such, on the ground



that the trial has been prolonged, the petitioner/accused may be allowed to be enlarged on bail. Secondly, the learned counsel has submitted that evidence would reveal that there was a clear violation of procedure under the NDPS Act at the time when the search and seizure was made, wherein no Magistrate was present at that point of time, and as such, on this ground too, the petitioner/accused is entitled to be granted bail.

3. Mr. K. Khan, learned PP assisted by Mr. S. Sengupta, learned Addl. PP for the State respondent has opposed the prayer made and has submitted that there is no question of inordinately delay of the trial, inasmuch as, there are only two witnesses to be examined, and the trial in all probability, may not take much time to be concluded. It is prayed that at this point of time, this petition may not be allowed.

4. This Court has heard the submission of the parties, and has gone through the petition in hand. However, on the basis of the submission made, is in agreement with the submission of the learned PP that, since the case is nearing conclusion with only two witnesses to be examined, it would be just and proper to allow the Trial Court to conclude the proceedings and to pass its final order.

5. Accordingly, this Court, at this juncture, is not inclined to allow



the prayer made in this petition and the same is hereby dismissed as devoid of merits.

6. Before parting, since the petitioner/accused has raised the issue of delay as far as the trial is concerned, if there is any inordinate delay henceforth, the petitioner/accused is at liberty to approach the Trial Court or this Court for that matter for fresh consideration of his prayer made herein

7. Petition disposed of.

Judge