



Serial No. 01
Supplementary List

HIGH COURT OF MEGHALAYA
AT SHILLONG

BA No. 16 of 2025

Date of Decision: 19.03.2025

Shri. Vicky Kumar
 Son of (L) Maheshwar Ray
 Resident of Nongmynsong,
 Dongkadiang, Lane-3, Shillong-19,
 East Khasi Hills

.....Accused Person

Through,
 Shri. Krishna Kumar Rai
 Son of Shri. Upendra Rai of Nongmynsong, Dongkadiang,
 Lane-3, Shillong-793019, East Khasi Hills, Meghalaya

.....Petitioner

-Versus-

The Union of India
 Represented by Shri. Indranil Chaliha
 Custom Headquarter (Preventive) Unit, Shillong

.....Respondent

Coram:

Hon'ble Mr. Justice W. Diengdoh, Judge

Appearance:

For the Petitioner/Appellant(s) : Mr. S. Pandit, Adv.

For the Respondent(s) : Mr. J.I. Nongrum, Adv.
 Ms. R. Fancon, Adv. vice
 Dr. N. Mozika, DSGI

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

1. Heard Mr. S. Pandit, learned counsel for the petitioner who has submitted that this application has been preferred with a prayer for grant of bail on behalf of Shri. Vicky Kumar, the accused person who was arrested on 24.05.2023 in connection with Custom Seizure Case No. 01/CL/NDPS/GANJA/HQRS. PREV./SH/2023-24 under Sections 20, 27A and 29 NDPS Act and upon investigation, the Investigating Officer (IO) having filed the charge sheet and finding that a prima facie case is well established against the accused person along with the other accused persons, they have been made to stand trial before the competent court of jurisdiction.

2. The regular case being registered as CrI. (NDPS) Case No. 8 of 2023 under Section 20(b) (ii) (c), 23 and 29 NDPS Act before the court of the learned Special Judge (NDPS) at Nongpoh, Ri Bhoi District, the stage of the case is for framing of charge which has not yet been framed till date. It is the submission of the learned counsel for the petitioner that this Court as far as the two other co-accused are concerned, has granted bail on consideration of the facts and circumstances of the case of the parties therein and as such, the accused person in question, his case being similarly situated, may therefore be enlarged on bail with any conditions that this Court may deem fit to impose.

3. Mr. J.I. Nongrum, learned counsel for the respondent/Union of India has submitted that the accused person in question was the driver of the vehicle which had ferried the other co-accused persons and has led the police to the discovery of the contraband substance at a place called Liarbang, Ri-Bhoi District for which the prosecution has initiated



the proceedings against all the accused persons involved in the case.

4. However, the learned counsel would admit that the case of the accused person in question herein is also similarly situated with the other co-accused persons.

5. This Court has considered the submission made and has also perused the order dated 11.03.2025 passed in BA No. 5 of 2025 with BA No. 6 of 2025 wherein as has been submitted, two other co-accused persons connected with the same case has been released on bail. It is noticed that in the said case, this Court has relied upon the observation made by the Hon'ble Supreme Court in the case of Hasanujjaman & Ors. v. The State of West Bengal in Special Leave to Appeal (Crl.) No(s). 3221/2023 whereby vide order dated 04.05.2023 the Hon'ble Supreme Court at para 4 and 5 has observed as follows:

“4. The investigation is complete; chargesheet has been filed, though the charges are yet to be framed. The conclusion of trial will, thus, take some reasonable time, regardless of the direction issued by the High Court to conclude the same within one year from the date of framing of charges. The petitioners do not have any criminal antecedents. There is, thus, substantial compliance of Section 37 of the NDPS Act.

5. In such circumstances, but without expressing any views on the merits of the case, we deem it appropriate to release the petitioners on bail subject to the terms and conditions as may be imposed by the Trial Court.”

6. Therefore, as stated above, this Court relying on the said decision of the Hon'ble Supreme Court has enlarged the said two co-accused persons on bail. Since parity has been pressed for in this instant case, this Court is accordingly convinced that the prayer made is justified.



7. Accordingly, the accused person in question is directed to be released on bail forthwith on conditions that:

- i. He shall not abscond or tamper with the evidence and witnesses;
- ii. He shall appear before the Trial Court as and when required;
- iii. He shall not leave the jurisdiction of Meghalaya without prior permission of the Trial Court; and
- iv. He shall bind himself of a personal bond of ₹ 1,00,000/- (rupees one lakh) only with one surety of like amount to the satisfaction of the Trial Court.

8. Needless to say, violation of any of the abovementioned conditions shall allow the prosecution to file an application for cancellation of the bail before the Trial Court.

9. In view of the above, this petition is disposed of.

Judge