



Serial No. 02
Supplementary List

HIGH COURT OF MEGHALAYA
AT SHILLONG

BA. No. 19 of 2025

Date of Decision: 01.05.2025

Shri. Rohit Kumar,
 S/o Shri. Kedar Prasad
 R/o Barkat Khan Ka Akhara
 Mogalpura, Patna

.....**Petitioner**

- Vs-

The State of Meghalaya
 Represented by the Commissioner
 & Secretary, Home Department
 Government of Meghalaya, Shillong

.....**Respondent**

Coram:

Hon'ble Mr. Justice W. Diengdoh, Judge

Appearance:

For the Petitioner/Appellant(s)	:	Mr. S.M. Suna, Adv.
For the Respondent(s)	:	Mr. N. Syngkon, GA. Mr. A.M. Pala, 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. S.M. Suna, learned counsel for the petitioner/accused,
 who has submitted that the petitioner/accused was earlier arrested in



connection with Nongpoh P.S. Case No. 48 (4) 2023 under Section 20(b)(ii)/29 NDPS Act, 1985. In course of time, on his application for grant of bail before the Trial Court vide order dated 28.06.2023, he was granted bail, albeit, with a direction to abide by the conditions imposed by the court. Thereafter, the case proceeded with the charge sheet being filed, and the matter placed before the Trial Court for completion of the trial. The stage of the case at present is for framing of charge.

2. The learned counsel also submits that the petitioner/accused, being an illiterate person, and not being adequately informed by his counsel or anyone for that matter, is not aware that his movement was restricted within the State of Meghalaya. Being a native of Patna city of Bihar, he had gone back to his native place for pursuing his occupation.

3. However, it is the further submission of the learned counsel that the petitioner/accused has not failed to appear before the court as and when called for. It was only on one occasion when the matter was fixed on a particular date and he came late to the court, giving the explanation that he was delayed by the late arrival of the train. It was also made known to the court that he had travelled back and forth from Patna to Shillong, thereby, has violated one of the bail conditions which states that '*he shall not leave the jurisdiction of the State of Meghalaya*'.



4. On an application by the prosecution, the court vide order dated 17.03.2025, had cancelled the bail application of the petitioner/accused and he was remitted to custody.

5. Against his detention in custody, the petitioner/accused had filed an application for grant of bail and the learned Trial Court vide order dated 27.03.2025, had rejected the prayer made. Hence, this petition.

6. It is also the submission of the learned counsel that the petitioner/accused has no intention to violate any of the conditions of bail as indicated hereinabove, but due to his lack of knowledge and understanding, if enlarged on bail, he will ensure that he will abide by any conditions imposed by this Court.

7. Mr. N. Syngkon, learned GA appearing on behalf of the State respondent has submitted that the petitioner/accused was arrested in connection with the alleged transaction of illegal contraband substance (ganja) and, if enlarged on bail, there is every possibility that he may indulge in the same activity which would be detrimental to all concerned especially the society at large. This being the case, it prayed that this Court may not release the petitioner/accused at this point of time, but to direct him to face trial till completion of the same.

8. This Court, on consideration of the submission made, and on



perusal of the petition, is made to understand that the petitioner/accused was initially granted bail in connection with the said case and the trial is in progress. The only apparent mistake that he made was to go back to his native place after he was granted bail, thus violating the said condition that *'he shall not move beyond the jurisdiction of the State of Meghalaya'*. It would have been proper to detain him, if he had remained outside the State of Meghalaya, and has failed to cooperate with the trial. However, as has been submitted by the learned counsel for the petitioner/accused, the petitioner/accused has never failed to appear before the court as and when called for. This by itself, is an indication that there is no intention for him to abscond.

9. Under the circumstances, this Court is inclined to allow the prayer of the petitioner/accused made herein. He is therefore directed to be released on the same conditions as has been imposed in the earlier order for release by the Trial Court, except for a modification of the said condition No. 4 to now say that *'he shall not leave the jurisdiction of India without prior permission of the court'*.

10. With the above noted observations, this petition is accordingly disposed of. No costs.

Judge