



Serial No. 02
Supplementary List

HIGH COURT OF MEGHALAYA
AT SHILLONG

Crl.Petn. No. 56 of 2023

Date of Decision: 25.03.2025

Union of India represented by
 Shri. Mayarchung Ningshen,
 Senior Intelligence Officer,
 Directorate of Revenue Intelligence,
 Shillong Regional Unit.

.....Petitioner

- Vs-

Shri. Dipu Debbarma,
 Aged about 33 years,
 S/o Chitta Ranjan Debbarma,
 R/o Village-191, Debendra Chauh Para,
 P.O Belchara, P.S Khowai,
 District Khowai,
 Tripura – 799207.

.....Respondent

Coram:

Hon'ble Mr. Justice W. Diengdoh, Judge

Appearance:

For the Petitioner/Appellant(s)	:	Dr. N. Mozika, DSGI with Mr. J.I. Nongrum, Adv. Ms. R. Fancon, Adv.
For the Respondent(s)	:	Mr. S. Kumar, Adv. Ms. R. Kharkongor, Adv.

i)	Whether approved for reporting in	Yes/No
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Law journals etc.:

ii) Whether approved for publication
in press:

Yes/No

JUDGMENT AND ORDER (ORAL)

1. Heard Dr. N. Mozika, learned DSGI assisted by Mr. J.I. Nongrum and Ms. R. Fancon, learned counsel for the petitioner, who has submitted that this application preferred under Section 439 (2) read with Section 482 Cr.P.C is basically a challenge against an order dated 09.12.2022 passed by the Court of the learned Special Judge (NDPS), Shillong in Bail Application No. 258 (H) of 2022 connected to Spl. (NDPS) Case No. 2 of 2022, wherein the respondent herein was granted bail.

2. The learned DSGI would submit that the main thrust of the petitioner/Union of India is with regard to the alleged non consideration of the learned Trial Court as to the applicability of Section 37 of the NDPS Act, when the said impugned order was passed granting bail to the respondent/accused person herein. Maintaining that non consideration of such provision, would negate the very essence of bail jurisprudence as far as NDPS cases are concerned, therefore, the impugned order may be set aside and quashed and the bail granted may be cancelled.

3. Mr. S. Kumar, learned counsel for the respondent/accused, in



response, at the outset, has challenged the maintainability of this application under Section 482 Cr.P.C. He, however, has also submitted that there is no question of cancellation of the bail granted to the respondent/accused, inasmuch as, there is no evidence of any of the bail conditions being violated by the respondent/accused, and under such circumstances, the question of cancellation of bail does not arise. In fact, records would show that the respondent/accused has been diligently attending the Trial Court as and when the case is listed, and has not obstruct its proceedings in any manner. Accordingly, it is prayed that this petition may be dismissed as devoid of merits.

4. This Court has considered the submission made even without taking note of the issue of maintainability which may not be decided at this juncture. What is apparent is that there is no contradiction to the submission of the learned counsel for the respondent/accused as to the conduct of the respondent/accused while on bail, thereby, meaning that none of the bail conditions set out in the impugned order has been violated.

5. The essence of cancellation of bail is rooted in the fact that the accused person has violated the bail conditions or that, while on bail, he has indulged in similar kind of offences, or that, the accused person is a flight risk which would prompt the court to cancel the bail granted. Such factors



are however not evident in this case. Accordingly, this Court is of the considered opinion that the petitioner/Union of India has not been able to make out a case for setting aside or quashing of the said impugned order dated 09.12.2022. Therefore, the prayer made is rejected.

6. Petition disposed of.

Judge