



Serial No. 04
Supplementary List

HIGH COURT OF MEGHALAYA
AT SHILLONG

BA No. 30 of 2025

Date of Decision: 26.06.2025

Shri. Kamee Kyndiah,
 Aged about 22 years,
 S/o (L) H. Umdor,
 R/o- Lower Mawprem, Sngithiang, Shillong,
 East Khasi Hills District,
 Meghalaya.

.....Petitioner

VERSUS

1. The State of Meghalaya,
 Represented by Secretary (Home)
 Government of Meghalaya.
2. The Superintendent of Police,
 Ri-Bhoi District, Meghalaya

.....Respondents

Coram:

Hon'ble Mr. Justice W. Diengdoh, Judge

Appearance:

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

For the Respondent(s) : Mr. R. Gurung, GA
 Ms. S. Bhattacharjee, GA
 Mr. J.N. Rynjah, 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 |
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ORDER (ORAL)

1. Heard Mr. S.S. Yadav, learned counsel for the petitioner who has submitted that on an FIR being lodged on 01.07.2023, the same being registered as Umiam P.S. Case No. 21(7) 2023 under Section 21(c) and 29 of NDPS Act. The petitioner accused of being involved in the said case, was placed under arrest on 01.07.2023 and till date is in custody in the District Prisons and Correctional Home, Nongpoh.

2. It is also the submission of the learned counsel that the Investigating Officer on completion of investigation has filed the charge sheet before the court on 14.12.2023. The competent court of jurisdiction having taken cognizance of the case, has registered the case as NDPS Case No. 23 of 2023 and the same was tried by the learned Special Judge (NDPS), Ri-Bhoi District, Nongpoh.

3. The learned Special Judge has then framed the charges against the accused and other co-accused involved in the case on 17.12.2024 under the relevant provisions of the NDPS Act.

4. The learned counsel for the petitioner has further submitted that after the charges were framed with 10 listed prosecution witnesses, the first witness was examined on 06.03.2025 and since then no other witnesses



have been examined in the case.

5. The learned counsel would stress on the point that since the date of his arrest that is on 01.07.2023 till date, the accused person has been languishing in judicial custody for almost 2 years barring 6 days. Therefore, at this point of time the only ground that will be pressed by the petitioner for grant of bail is on the ground of delay. To this extent, the learned counsel has cited the case of Shri. Sujit Kumar Rai v. The Union of India wherein in BA No. 5 of 2025, vide order dated 11.03.2025, this Court being convinced that the trial in the case therein was delayed has granted bail to the accused person therein. Similarly, in the case of Shri. Sanju Singh v. State of Meghalaya, this Court vide order dated 11.03.2025 in BA No. 13 of 2025 has also considered the case of the petitioner therein and again on the ground of delay in the proceedings before the trial court has granted bail to the accused person therein. The learned counsel has sought to bring parity to the case cited with that of the case of the petitioner herein and has therefore made a prayer that the accused person in question may be allowed to be enlarged on bail with any conditions to be imposed by this Court.

6. Per contra, Mr. R. Gurung, learned GA has strongly opposed the prayer made by the petitioner, particularly on the ground of delay in trial. It is the submission of the learned GA that there has been no delay as far as the proceedings before the trial court is concerned inasmuch as the charges having been framed in the month of December, 2024 one witness was examined and from the relevant records of proceedings before the trial court which was produced before this Court today, it would appear that there was



no inordinate delay or unnecessary delay or even willful delay made by the prosecution for examination of the witnesses but for the reasons stated in the orders of the learned trial court on each and every date whenever the case of the accused is fixed.

7. The learned GA has also sought to distinguish the case relied upon by the learned counsel for the petitioner to say that in those cases cited, charges having been framed and the proceeding having indeed been delayed which would justify enlargement of the accused therein on bail on the ground of delay but this is not the case herein. It is, therefore, prayed that this application being devoid of merits may be dismissed.

8. This Court has duly considered the submission made by the learned counsel for the parties in due perspective. From the records what is apparent is that a case involving offences under the NDPS Act is ongoing. Reportedly, the case involves seizure of certain contraband substances of commercial quantity, therefore Section 21(c) of the NDPS Act being invoked. It is true that the accused person has been in custody for almost 2(two) years but what would be material for this Court to consider is whether there has been any inordinate or unnecessary delay caused by the prosecution or the trial court for that matter.

9. On the face of it, a perusal of the orders of the trial court dated 06.03.2025 would reveal that one witness that is, PW-1 was examined and cross-examined and thereafter was discharged.

10. The specific orders passed on 21.03.2025, 04.04.2025,



17.04.2025, 01.05.2025, 16.05.2025, 30.05.2025 and 13.06.2025 observed as a whole would show that on some dates, witnesses were present in court, certain dates the Presiding Officer was on leave. Nothing is noted to indicate that there was any lapse on the prosecution to take steps in the matter. Accordingly, it may not be said that the trial has been delayed unnecessarily.

11. This being the case, this Court is convinced that the petitioner has not been able to make a case for grant of bail on account of delay in proceedings. The authorities cited, with due respect, are deemed not to be applicable to the peculiar facts and circumstances of the case in hand.

12. This petition is accordingly dismissed as devoid of merits, the same is disposed of.

Judge