



Serial No. 01
Supplementary List

HIGH COURT OF MEGHALAYA
AT SHILLONG

BA. No. 49 of 2025

Date of Decision: 30.10.2025

Shri. Sdangki Myrphet
 S/o Smti. Garnet Myrphet,
 R/o Pamhadem, Panaliar, Jowai,
 West Jaintia Hills District,
 Meghalaya-793001.

..... **Petitioner/Applicant**

- Vs -

State of Meghalaya
 Through the Public Prosecutor,
 West Jaintia Hills District, Meghalaya.

..... **Respondent**

Coram:

Hon'ble Mr. Justice W. Diengdoh, Judge

Appearance:

For the Petitioner/Appellant(s) : Mr. M.A. Laitmon, Adv.
 Mr. S. Marpan, Adv.

For the Respondent(s) : Mr. H. Kharmih, Addl. PP with
 Mr. S.A. Sheikh, 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. M.A. Laitmon, learned counsel for the petitioner/applicant, who has submitted that the petitioner/applicant is an accused person, who was arrested on 30.06.2023 in connection with Jowai P.S. Case No. 80 (6) 2023 under Section 21(a) of the NDPS Act for recovery of 4.61 grams of heroin (small quantity). The matter is proceeding for trial in CrI. (NDPS) Case No. 7 of 2023.

2. It is also the submission of the learned counsel that in the meantime, the petitioner/applicant has obtained bail in connection with the said Jowai P.S. Case No. 80 (6) 2023.

3. However, the petitioner/applicant was again arrested on 18.09.2024 in connection with Jowai P.S. Case No. 76 (9) 2024 under Section 21(b)/27/27A NDPS Act. He was also granted bail in connection with this case vide order dated 21.11.2024.

4. It is the further submission of the learned counsel that the learned Trial Court, vide order dated 02.12.2024, has cancelled the previous bail order dated 11.09.2023 by which the applicant was granted bail in connection with Jowai P.S. Case No. 80 (6) 2023 on the ground that he was found to be involved in another case for a similar offence, and as such, has violated the bail conditions.



5. It is the contention of the petitioner/applicant that in both the cases, the quantity involved is a small quantity of the alleged contraband substance, and as such, the offence connected to such alleged seizure, is a bailable offence. Be that as it may, it is also fairly admitted that the petitioner/applicant is a user, and as such, he is contemplating to take recourse to the provision of Section 64A of the NDPS Act, indicating that he is willing to be interned in an appropriate rehabilitation centre.

6. Under such circumstances, the learned counsel has submitted that at this point of time, this instant application may not be pressed, but would pray that this Court would allow the petitioner/applicant to approach the learned Trial Court with an application for consideration of the applicability of Section 64A as far as his case is concerned.

7. Mr. H. Kharmih, learned Addl. PP for the State respondent has no objection to the prayer made.

8. This Court upon hearing the submission of the learned counsel for the petitioner/applicant, without going into the merits of the application herein, would allow the prayer of the petitioner/applicant as far as his intention to file an application before the Trial Court for consideration thereof.

9. Accordingly, this petition is hereby disposed of with a direction



that as and when the petitioner/applicant prefers the said application, the learned Trial Court is to consider the same in accordance with law.

10. Petition disposed of. No costs.

Judge