



Serial No. 04
Supplementary List

HIGH COURT OF MEGHALAYA
AT SHILLONG

Crl.Petn. No.77 of 2025

Date of Order: 09.12.2025

Smti. Maya Gwala @Pushki
Wife of Shri. Akshay Marbaniang
R/o Polo Hills, Shillong, East Khasi Hills District
Meghalaya.

.....Petitioner

-VERSUS-

1. State of Meghalaya represented by
Secretary (Home) Government of Meghalaya.

2. The Superintendent of Police,
East Khasi Hills District, Meghalaya.

.....Respondents

Coram:

Hon'ble Mr. Justice B. Bhattacharjee, Judge

Appearance:

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

For the Respondent(s) : Mr. A.S. Dey, GA

(ORAL)

Heard learned counsels appearing for the parties.

This petition has been filed under section 528 BNSS seeking quashing of the order dated 23.09.2024 passed in NDPS Case No.23 of 2023 arising out of Khliehriat P.S. Case No.37(5) of 2023 by which the bail granted to the petitioner by order dated 01.12.2023 was cancelled.

A perusal of the petition shows that the petitioner has disclosed the



relevant facts of the case till 23.09.2024, on which date the impugned order was passed. The present petition has been preferred before this Court after lapse of a period of more than one year from the date of impugned order of cancellation of bail, but the petition is absolutely silent as regard to the occurrence of any event or development in the case which took place in the intervening period.

The learned counsel for the petitioner in his submission has primarily challenged the impugned order dated 23.09.2024 on the ground of non-issuance of a notice to the petitioner prior to cancellation of bail of the petitioner. He, also has not pointed out to any event touching the aspect of bail in the matter concerning the petitioner after the passing of the impugned order dated 23.09.2024.

Mr. A.S. Dey, learned GA appearing for the State-respondent, on the other hand, submitted that the petitioner has not disclosed the fact that she had filed a bail application before the Special Judge (NDPS) East Jaintia Hills District, Khliehriat, after the cancellation of the bail order dated 23.09.2024, which was rejected by the learned Special Judge by order dated 28.10.2025. He submits that such non-disclosure amounts to suppression of material fact and often leads to passing of contradictory orders by two different judicial forums exercising concurrent jurisdiction in respect of same subject matter. He, therefore, submits that the petitioner has not approached this Court with clean hands and as such, does not deserve any relief in the matter.

Upon hearing the learned counsels for the parties and on perusal of materials on record, more particularly, the order sheet of NDPS Case No.23 of 2023 of the Special Judge (NDPS) East Jaintia Hills District, Khliehriat, it transpires that the petitioner had filed a bail application under section 37 NDPS Act, 1985 read with section 483 BNSS seeking



release on bail. The prayer for grant of bail was rejected by the learned Special Judge by passing a detailed order dated 28.10.2025. There is nothing on record to show that the petitioner had moved any other higher forum pursuant to the said rejection order dated 28.10.2025, rather, preferred the present petition before this Court without disclosing the fact of such rejection by the learned Special Judge. The conduct of the petitioner, as such, appears unacceptable to this Court in view of the settled legal maxim that those who seek equity must come with clean hands. It also appears that the petitioner has intentionally refrained from disclosing about the fact of passing of the order dated 28.10.2025 before this Court in order to gain undue advantage and to create an easy passage for challenging the order dated 23.09.2024.

In view of the above, this Court finds that the petitioner is not entitled to seek any relief.

This criminal petition, as such, stands dismissed.

Judge

Meghalaya
09.12.2025
"Shrity,PS"