



Serial No. 02
Supplementary List

HIGH COURT OF MEGHALAYA
AT SHILLONG

BA. No. 5 of 2026

Date of Decision: 20.02.2026

Smti. Aisha Khatoon @ Pahari
 W/o (L) Md. Amir Hussain of
 Lower Paltan Bazar, Naspoti
 Ghari, Jhalupara, Shillong,
 East Khasi Hills District, Meghalaya
 Presently lodged in District Prison
 & Correctional Home at Shillong.

..... **Petitioner**

- Vs -

The State of Meghalaya
 Represented by its Commissioner and
 Secretary (Home), Shillong.

..... **Respondent**

Coram:

Hon'ble Mr. Justice W. Diengdoh, Judge

Appearance:

For the Petitioner/Appellant(s) : Mr. S. Pandit, Adv.
 Ms. S.D. Sangma, Adv.

For the Respondent(s) : Mr. R. Gurung, GA.
 Mr. H. Kharmih, Addl. PP.

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| 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. Pandit, learned counsel for the petitioner, who has submitted that the petitioner herein has once again approached this Court with a prayer for grant of bail, and earlier prayer being made was rejected by this Court vide order dated 05.08.2025 passed in BA. No. 37 of 2025.

2. In due course, the petitioner/accused has again prayed for grant of bail on the ground of changed circumstances, the said prayer was made before the learned trial court in Bail Application No. 16 (H) 2026, but the same was rejected vide order dated 09.02.2026.

3. Now, the petitioner/accused has approached this Court with this instant bail application with a prayer for enlargement of bail on the ground that, in course of proceedings before the trial court and from the evidence of the prosecution witnesses who have since deposed before the trial court, it transpired that the petitioner/accused has not committed any offence of possession of contraband substance of a quantity more than the prescribed small quantity, and even, if the petitioner/accused is to be punished for such an offence, having been in custody for more than the prescribed period of punishment for possession of contraband of small quantity, therefore, the petitioner/accused is entitled to be released from custody.

4. In this regard, the learned counsel has led this Court to the evidence



of one of the prosecution witnesses namely, Smti. Nur Jahan Begum, who is said to be the person who has informed the police at the initial stage of the case that the petitioner/accused had kept or hidden certain amount of contraband substance in her shop. However, in course of her evidence before the court, the said witness has made a U-turn, and has deposed that she had never made any such allegation or statement against the petitioner/accused. This piece of evidence has justified the case of the petitioner/accused as far as the allegation of her being in possession of the alleged contraband substance of about 6.5 grams is concerned. On the basis of such changed circumstances, the learned counsel has prayed that the petitioner may be released on bail with any conditions fit to be imposed by this Court.

5. Per contra, Mr. R. Gurung, learned GA appearing for the State respondent, has submitted that this Court, in the first instance, when the first bail application was preferred, that is, BA. No. 37 of 2025 (supra), the prayer of the petitioner/accused herein was rejected, not necessarily on the consideration of the alleged quantity of contraband substance said to be possessed by the petitioner/accused, but on the ground of her involvement in similar offence involving contraband substance, for which two other criminal cases were instituted against her. Therefore, on consideration of her criminal antecedent, this Court has rejected the prayer made then.



6. It is also the further submission of the learned GA that the petitioner/accused, being aggrieved by the said order dated 05.08.2025 passed in BA. No. 37 of 2025, has approached the Supreme Court and the Hon'ble Supreme Court, vide order dated 17.09.2025 passed in Special Leave to Appeal (Crl.) No. 14126/2025, has rejected the petition, thereby upholding the order of this Court. The Supreme Court has however directed the trial court to expedite the trial. Under such circumstances, since there is no delay in the trial, therefore, the prayer for grant of bail may not be allowed at this point of time, submits the learned GA.

7. This Court has considered the submission made by the parties, and is also made aware that the petitioner/accused herein is also in custody in connection with another similar case involving offences under the NDPS Act, and for which, trial is also proceeding in that case.

8. As to the contention of the learned counsel for the petitioner that in view of the evidence tendered by the relevant witnesses, the petitioner/accused, at most, is deemed to have been in possession of small quantity of contraband substance, for which being in custody for the relevant period of time, she ought to have been discharged from the case, this Court, is of the considered view that the matter is sub judice since the final order of the trial court has not been passed, as such, it could not be said that the



petitioner/accused will be found guilty or innocent at the end of the trial. Therefore, this will not be a point of consideration as far as the prayer for bail is concerned.

9. Be that as it may, on an appreciation of the facts and circumstances involving the case of the petitioner, at this point of time, no ground for grant of bail has been made out.

10. Petition is accordingly dismissed and stands disposed of.

11. Before parting, this Court would impress upon the trial court to expedite the case of the petitioner/accused in view of the direction made by the Hon'ble Supreme Court (supra), perhaps, if possible, a day-to-day trial to be conducted in this regard.

Judge