



Serial No. 01
Supplementary List

HIGH COURT OF MEGHALAYA
AT SHILLONG

BA. No. 63 of 2025

Date of Decision: 06.02.2026

Shri. Monoj Kumar Saha
 Aged about 38 years,
 S/o Shri. Pran Kishore Saha,
 R/o Jyotinagar, P.O & P.S. Krishnai,
 Goalpara, Assam. PIN-783126
 Mob: 81339-12969

..... **Petitioner**

- Vs-

The State of Meghalaya,
 Represented by its Public Prosecutor

..... **Respondent**

Coram:

Hon'ble Mr. Justice W. Diengdoh, Judge

Appearance:

For the Petitioner/Appellant(s) : Mr. R. De, Adv. with
 Ms. A.P. Kharsahnoh, Adv.
 Ms. D. Pathak, Adv.

For the Respondent(s) : Mrs. N.G. Shylla, Sr. GA with
 Ms. I. Lyngwa, 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 |



JUDGMENT AND ORDER (ORAL)

1. Heard Mr. R. De, learned counsel for the petitioner, who has submitted that this application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 read with Section 37(1)(b) of the NDPS Act, 1985 for grant of bail has been preferred on behalf of the accused person named, Shri. Bijoy Saha, who was arrested in connection with Baghmara P.S. Case No. 09 (03) 2023, and which case, on investigation being completed, charge sheet was filed, wherein the Investigating Officer has opined that there is prima facie evidence to link the accused named therein with the offence, and for which the accused persons initially being three in numbers were made to stand trial before the competent court of jurisdiction. Accordingly, the case was registered as Spl. NDPS Case No. 1 of 2025 pending before the Court of the learned Special Judge (NDPS), South Garo Hills, Baghmara under Sections 21(c)/25/29 of the NDPS Act, 1985.

2. The learned counsel also submits that, it was only in the month of August, 2025 that the accused person in question was also implicated in the said case and was accordingly arrested on 12.08.2025.

3. The learned counsel has given a brief detail of the case to say that it involves seizure of a vehicle bearing Registration No. AS-25-EC-4493 (Bolero Pickup) which was suspected to be transporting illegal consignment



of contraband substance. The said vehicle was intercepted by the Baghmara Police on 01.03.2023 and large quantity of illegal contraband substance such as, 1393 bottles of Phensedyl Cough Linctus 100 ML, weighing 100 ml each and 2864 strips containing 10 tablets each of Tapal 100 – Tapentadol Tablets 100 of 100 mg were recovered.

4. It is the further submission of the learned counsel that the accused person in question is admittedly a business man engaged in the business of selling grocery and other consumable items, and for which, his goods were also found in the said vehicle on the said date when it was seized. He has no knowledge of any contraband substance said to have been seized from the said vehicle, his concern being only with regard to his goods. However, presumably, on the basis of his conversation via mobile phone with the owner of the said vehicle from time to time, he was accused of being connected to the offence and was accordingly arrested. It is also submitted that, as far as the offence against the accused person in question is concerned, no charge sheet has been filed till date.

5. This being the case, the learned counsel has submitted that, there is no offence attributable to the accused person in question, and as such, prayer is accordingly made before this Court for grant of bail with any conditions deemed fit and proper to be imposed by this Court.



6. Mrs. N.G. Shyllai, learned Sr. GA assisted by Ms. I. Lyngwa, learned GA appearing for the State respondent has strongly opposed the prayer made, and has asserted that the role and involvement of the accused person in question is very much apparent, since investigation has found out that he was in constant touch with some of the accused persons who were earlier arrested in connection with the case, and the CDR obtained as part of the seizure, has clearly indicated the involvement of the accused person herein.

7. Excerpts of the report to this extent was also filed before this Court, which report is hereby brought on record and marked as Annexure-X.

8. The learned Sr. GA has submitted that the case involving seizure of commercial quantity of alleged contraband substance since prima facie, the innocence of the accused person has not been established, therefore, the prayer made in this petition may not be allowed.

9. This Court has considered the submission made, and has also perused the petition as well as the report placed by way of Annexure-X. Though, it would be a matter of evidence, and the process of collection thereof which would be tested at the trial as regard the involvement of the accused person in question, however, on an analysis of the materials on record, including the findings of the Investigating Officer, it is apparent that the



accused person in question do have connection with some of the accused persons and also the owner of the vehicle, vis-à-vis, as regard the contraband substance seized from the said vehicle.

10. This being the case, at this point of time, this Court is not convinced that the accused is innocent and that his involvement does not attract the provision of Section 37 of the NDPS Act. Accordingly, there is no merit in the prayer made in this petition, the same is hereby dismissed and disposed of.

11. Registry to return back the case diary.

Judge