Serial No. 04
Regular List

MLHC010018892026

HIGH COURT OF MEGHALAYA
AT SHILLONG

BA. No. 94 of 2026

Date of Decision: 10-11-2026
Uploaded on: 10-11-2026

Shri Badiar Jamal,
Son of Shri Moyer Ali,
Resident of Krishnai Guria Pt-I, P.O. &
P.S. Krishnai, District Goalpara, Assam.

……. **Petitioner(s)**

-Versus-

1. State of Meghalaya,
Represented by Secretary to the Government of
Meghalaya (Home) Police Department, Shillong.

2. Officer-in-charge,
Baghmara Police Station,
South Garo Hills District, Meghalaya.

…….. **Respondent(s)**

Coram:

Hon'ble Mr. Justice W. Diengdoh, Judge

Appearance:

For the Petitioner/Appellant(s) : Mr. M.L. Nongpiur, Adv.
Mr. G. Lyngdoh, Adv.

For the Respondent(s) : Mrs. N.G. Shylla, PP with
Ms. I. Lyngwa, 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 (ORAL)

1. This is an application for grant of bail made by the petitioner herein on behalf of the accused, Shri. Minarul Islam, who has been implicated in connection with Baghmara P.S. Case No. 14/2026 under Section 22(C)/23(C)/29/60 NDPS Act. The first bail application being withdrawn with liberty to file afresh.

2. The brief fact of the case is that on 13/08/2026 at about 10:15 A.M, the Anti-Narcotic Task Force (ANTF) allegedly received credible information regarding three persons travelling from Tura towards Baghmara in a white-colored vehicle carrying contraband substances. Pursuant thereto, the ANTF TEAM allegedly informed the superior officer and established a check point at Matcha NOKPANTE near Police Reserve, Baghmara.

3. That a vehicle, bearing registration No. ASAZ-9752 was intercepted and three persons who were occupants of the said vehicle were apprehended. Upon search, the police allegedly recovered 20 blue pouches containing 3,255 suspected yaba tablets, stated to weigh approximately 376 grams, the vehicle, relevant documents, cash and mobile phones were also allegedly seized in connection with the case.

4. Mr. M.L Nongpiur, learned counsel for the petitioner has submitted that this application has been filed on behalf of the accused Shri. Minarul Islam with a prayer for grant of interim bail for the purpose of medical treatment. The fact being that on 09.09.2026, the accused complaint of severe pain on the right

side of his abdomen, upon which he was referred to Tura Civil Hospital and was diagnosed with acute appendicitis which requires urgent surgical treatment.

5. In this regard, considering the seriousness of the diagnosed condition, coupled with a medical certificate dated 22.09.2026 issued by the District Prisons and Correctional Home, Tura, wherein, it has been specifically recorded that failure to undergo immediate surgical intervention may result in worsening infection, perforation or rupture of the appendix, the learned counsel has submitted that it is the desire of the petitioner that the accused be allowed to be treated at a private medical facility, probably at Gawahati or Bongaigaon, Assam where there are multi-specialty hospital, the same being within reasonable proximity to the territorial jurisdiction of the Trial Court.

6. The learned counsel has further submitted that a certificate issued by the Jogighopa Hospital & Research Centre, Bongaigaon, annexed in this petition as Annexure- 6, would reveal that the estimated period of treatment including the recovery period would be 60 minutes for the duration of the operation, post-operative hospitalization-3 days and for the recovery period, the estimated time for complete recovery is 6 weeks.

7. The learned counsel has reiterated that the prayer for interim bail may be granted to allow the accused/patient to undergo the said medical treatment and for this, adequate and sufficient surety will be furnished with an undertaking to abide by any conditions that this Court may deem fit and proper to impose.

8. Per contra, Mrs. N.G. Shylla, learned PP assisted by Ms. I. Lyngwa,

learned PP appearing for the State respondent, while resisting the prayer made by the petitioner herein, has submitted that though, it is admitted that the accused/patient requires surgery, however, as per the medical report dated 09.11.2026 issued by the Dr. A.N. Sangma, Surgeon Tura Civil Hospital, the expected or estimated time required for the surgery is 30 minutes, and Tura Civil Hospital is well equipped with necessary infrastructure, equipment, operation theatre facilities and train personal required for the procedure. But the accused/patient is unwilling to undergo the propose surgery at the said hospital. In such a situation, it is not necessary for the accused/patient to be referred to any private medical hospital and that he may be directed to undergo the said treatment at the Tura Civil Hospital. The prayer made in this petition being devoid of merits, is liable to be rejected, further submits the learned PP.

9. This Court after hearing the learned counsels for the parties, the facts being stated herein above, it may not be required to reiterate such facts, suffice it to say that the limited prayer made herein is for this Court to allow the accused/patient to be treated at a medical facility of his own choice for the ailment as stated hereinabove.

10. Ordinarily, since the jail authorities have been able to recommend treatment of the accused/patient at the Tura Civil Hospital, which according to the said Surgeon is well equipped to handle such cases, however, there is no observation or recommendation as to how the post-operation/recovery period is to be carried out. In this regard, the certificate produced by the petitioner at

Annexure-6 has clearly drawn up a detailed post-recovery treatment as far as the accused/patient is concerned.

11. Irrespective of the gravity of the offence and the involvement of the accused/patient, which is a matter of trial and evidence thereof, the physical welfare of the accused/patient is also not to be taken lightly. Despite the assurance of the Medical Officer as far as treatment at the Tura Civil Hospital is concerned, the preference of the accused/patient is also required to be considered under such circumstances.

12. This Court is of the opinion that the prayer made be considered, provided sufficient surety is assured by the accused/patient and that he will abide by the conditions imposed by this Court.

13. Under the circumstances, the prayer made herein is allowed. Interim bail is hereby granted to the accused/patient. He is at liberty to be treated at any private medical hospital within the area of Guwahati and Bongaigaon, Assam on the following conditions:

i) That he shall not abscond or tamper with the evidence or witnesses;

ii) That he shall not leave the jurisdiction of the State of Meghalaya and Assam without the permission of the Investigating Officer (I/O) or the court concerned;

iii) That he shall abide himself on a personal bond of ₹50,000/- (Rupees fifty thousand) only with two sureties of like amount

to the satisfaction of the court concerned;

iv) That the period of interim bail will be 4(four) weeks from the date of this order, following which on 11.12.2026, he shall report to the prison authority at the District Prisons and Correctional Home, Tura, West Garo Hills, for his further custody; and

v) That he shall also inform the I/O on a weekly basis as to the progress of his medical treatment, giving full details of his place of treatment.

14. Let copy of this order be issued upon the Superintendent District Prisons and Correctional Home, Tura, for compliance.

15. Petition disposed of. No Costs.

Judge

Meghalaya
10-11-2026
"D. Nary, PS"

Verified
Digitally signed by: DARIKORDOR NARY
Signed On: 10-11-2026 19:48:32 IST