GAHC030007092026

THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : Bail Appln./100/2026

Sh. Laltlanmawia
S/o Samuel, Edenthar, Aizawl

VERSUS

The State of Mizoram
Aizawl

Advocate for the Petitioner : Ms. Lalngaihsaki Fanai

Advocate for the Respondent : P.P./Addl.PP, Mizoram

BEFORE
HONOURABLE MR. JUSTICE RAJESH MAZUMDAR
ORDER

26.10.2026

Heard Ms. Lalngaihsaki Fanai, learned counsel appearing for the petitioner. Also heard Mrs. Vanneihsiami, learned Addl. Public Prosecutor appearing for the State.

2 This is an application under Section 483 of the BNSS read with Section 37 of the NDPS Act praying for grant of bail to the accused in NDPS Case No.

118/2025 arising out of Excise Case No. N-46/2025 under Section 22(c) of the NDPS Act, 1985.

3. The learned counsel for the petitioner has submitted that the petitioner had been arrested on 23.03.2025 on accusation of being involved in the seizure of 7.952 kgs of Methamphetamine and he has been in judicial custody since then. The learned counsel for the petitioner has submitted that the length of detention of the petitioner in the present case would entitle him for the grant of bail. The learned counsel for the petitioner has further submitted that there are violations of the provisions of Section 42 of the NDPS Act, which may again entitle the consideration of the petition for bail moved by this petitioner. The learned counsel for the petitioner has submitted that though the seizure had been made between sunset and sunrise, the procedure required to be followed during the seizure had not been done. The learned counsel for the petitioner has also submitted that even on humanitarian grounds, the petitioner, who is aged about 39 years deserves to be considered for the privilege of bail. The learned counsel for the petitioner has submitted that a perusal of the evidence led by the prosecution would also reveal that there is little or no chance of the petitioner being convicted in connection with the ongoing trial. The learned counsel for the petitioner has referred to the different statements given by different prosecution witnesses, including the prosecution witness No. 3 to impress that there is no proof of seizure of contrabands from the petitioner. She has accordingly submitted that the prayer for bail of the petitioner may be considered by this Court.

4. The learned Addl. Public Prosecutor on the other hand has submitted that the petitioner has not been in custody from 23.03.2025 continuously, but was

granted bail on 01.12.2025. However, the petitioner was again arrested in connection with Excise Case No. 218/2025, where the petitioner was again found in possession and trading illegally in contraband items. She has accordingly submitted that the provisions of Section 37 of the BNSS, which also is relied upon in the cause title of the bail petition itself, are not fulfilled. She has submitted that there can be no presumption that the petitioner would not involve himself again in similar offences, if the bail is considered. She has further submitted that the prosecution evidence is already over and also the statement of the petitioner under section 313 of the Cr.PC has already been recorded on 05.10.2026 and it is now upon the petitioner to have his defence brought on record as early as possible in the trial, so that the matter can be brought to its logical conclusion. She has accordingly prayed for rejection of the bail petition at this stage.

5. I have gone through the scanned copy of the Trial Court Records which have been procured and I have also considered the submissions made.

6. It appears that after the petitioner had earlier been granted bail in connection with the present case and there are allegations of re-indulging in offences of similar nature. The trial has already progressed to a substantial extent and it is now upon the defence to conclude their part so that the matter can be brought to its logical conclusion.

7. Insofar as the statements of the witnesses have been referred to, I am of the considered opinion that the same would have to be considered by the Trial Court on the basis of the defence witnesses and other evidences brought on record and therefore, the same need not be considered at this stage, which may

prejudice the trial itself.

8. Having regard to the fact that the petitioner has been found to be indulged in offences of similar nature even after having been granted bail, I do not find it a fit case to grant the petitioner the privilege of bail at this stage.

9. Accordingly, the present bail petition stands dismissed.

JUDGE

Comparing Assistant