GAHC030007692026

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

Case No. : Bail Appln./111/2026

Sh. Thangchunga
S/o Ralhrea alias Rallian, R/O chin usi, Halkha, Chin State. Present Adress-Chanmari West T sectionAizawl-796007

VERSUS

The State of Mizoram
Aizawl

Advocate for the Petitioner : Ms. Lalngaihsaki Fanai

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

BEFORE
HONORABLE MRS. JUSTICE SHAMIMA JAHAN
JUDGMENT / ORDER

Date : **12.10.2026**

Heard Ms. Lalngaishaki Fanai, the learned counsel for the petitioner and Ms. Vanneihsiami, the learned Addl. Public Prosecutor for the State.

2. By this application, the petitioner has prayed for bail in connection with NDPS Case No. 25/2026, arising out of Excise Case No. N-1/2026, under Section 22(c) of NDPS Act, 1985.

3. The case of the petitioner is that, on 06.01.2026, at around 03:00 PM, the concerned police officer received the information from source that the petitioner has suspected contrabands with him and he intends to sell from his residence and on getting the information, the police team intercepted the petitioner on the road side, when he was attempting to sell drugs and on interrogation, the petitioner disclosed that, he has contrabands at his residence. Thereafter, the informant stated that, the police team went to house of the petitioner and recovered in the presence of the witnesses 3041 grams of Methamphetamine kept in three brown-coloured cartons. Thereafter, the petitioner was arrested and the investigation is conducted. On completion of the investigation, the police submitted charge-sheet on 04.02.2026 against the petitioner.

4. It is to be stated here that, this is the second bail application filed by the petitioner, the first one being rejected by this Court, vide order dated 22.07.2026. The learned counsel for the petitioner submits that, the trial is going on and two of the witnesses were examined and she submits that, those two witnesses in their cross-examination has not supported the case of the prosecution. The learned counsel for the petitioner as such submits that the same is the new ground, on which she had preferred this bail application.

5. On the other hand Ms. Vanneihsiami, the learned Addl. Public Prosecutor, submits that, the Trial Court records be seen and she also submits that, the allegation against the petitioner is proved by the witnesses examine before the Trial Court.

6. Ms. Vanneihsiami, the learned APP for substantiating her argument has relied on the following judgment delivered by the Supreme Court in " ***The***

State of Punjab Vs. Balraj Singh" reported in ***(2026) SCC OnLine SC 1058***; wherein, the Hon'ble Supreme Court had deliberated on Section 37, NDPS Act as well as about long incarceration of the petitioner.

7. I have considered the submissions of the learned counsels and have gone through the records. It is seen that, PW No. 2 before the Trial Court stated that, he was there when the police recovered the contrabands from the house of the petitioner, which was taken out by the petitioner but in his cross-examination, he stated that, he does not know whether the petitioner is the owner of the said contrabands. PW No. 3 had also stated that, the petitioner on being asked had taken out a blue bag containing suspected Methamphetamine but he in his cross-examination, had stated that he is not aware as to whether, packaging materials used for packing the seized articles such as bag and parcel were seized or not. Moreover, the trial is on and it is required that, the petitioner should defend and make out his case. Further in the FIR, wherein it was written that the petitioner was interrupted on the road on the allegation that he was selling contrabands there, however no contraband was recovered from the said spot. Furthermore, the petitioner had himself alleged to have taken out the contrabands contained in blue bags. As such, the twin conditions to the effect that there has to be a prima facie satisfaction of the Court that the petitioner has not committed the offence, the same is discernable from the examination of witnesses and the other condition that there should be some materials to show that petitioner will not indulge in the said offence while on bail is also satisfied from his conduct when raid is conducted in his house. It is also seen that the petitioner has been inside the jail for many months since the date of his arrest, i.e., on 06.01.2026. As such, this Court finds it fit to enlarges the petitioner on bail, on furnishing of a bail bond of Rs. 20, 000/- (Rupees Twenty Thousand)

with one local surety of the like amount to the satisfaction of the Special Court, ND &PS Act, Aizawl under the following conditions:

(i) The petitioner shall positively appear before the Trial Court as and when call for.

(ii) If the petitioner is found involved in similar offence by the police, the bail will be cancelled.

(iii) The petitioner shall not hamper and tamper with the evidence of the case, and/or influence the witness connected with the case; and

(iv) The petitioner shall not leave their place of residence without prior permission of the Investigating Officer.

8. The Bail Application stands disposed of.

JUDGE

Comparing Assistant