

IN THE COURT OF THE SPECIAL JUDGE, (NDPS Act), AT NAMCHI

Present :- Sonam Palden Bhutia

31.07.2026

Crl. Misc. Case no. 83/2026

Accused :- Abhimanyu Rawat

vs.

Prosecution :- State of Sikkim

ORDER

Accused/Petitioner present through Ld. Counsel Shri Tarun Choudhary.

Ld. Special P.P Ms. Tarden Lepcha assisted by Ld. Assistant P.P Ms. Kamala Gurung present for the State.

Date is fixed for hearing.

Heard, Ld. Counsel for the parties, at length.

Ld. Counsel for the Accused/Petitioner submitted that the Accused/Petitioner was arrested by the Jorethang Police in connection with Jorethang P.S. Case No. 05 of 2026 dated 06/03/2026 under Sections 3(5) and 111 of Bharatiya Nyaya Sanhita, 2023 on the basis of a written complaint lodged by P.I Umesh Pradhan.

Ld. Counsel for the Accused/Petitioner further submitted that this is a second bail application of the Accused/Petitioner and the first bail application filed by the Accused/Petitioner was registered as Crl. Misc. Case no. 40 of 2016 and was withdrawn on 18.04.2026.

Ld. Counsel for the Accused/Petitioner is a victim of circumstances in this present case as he didn't intentionally transport the alleged contraband and was not aware about the alleged drugs allegedly recovered in this case. Furthermore, the Accused/Petitioner has been implicated by the police to establish chain of alleged recovery and the fact stated above are very well known to the IO of the case.

Ld. Counsel for the Accused/Petitioner is suffering from chronic heart disease and required to be operated urgently.

It is submitted that the Accused/Petitioner has no past criminal record of any kind in any police station throughout India and he is no distantly related to any person associated with even consumption of drugs or even alcohol. Furthermore, he bears good moral character and doesn't consumes alcohol or any kind of drugs. That certificate to that effect has been issued by the concerned panchayat members with the petition.

It is further submitted that the Accused/Petitioner is the sole person to take care of financial and medical obligation of his old aged ailing parents as mentioned in the certificate issued by the concerned panchayat. It is also submitted that due to incarceration of Accused/Petitioner, the medical condition of his father is getting worse as he does not have any financial means to get himself operated, therefore, his life is in threat.

It is also submitted that the quantity of contraband involved in the case is of intermediate quantity, as such rigor of 37 is not applicable and this Court can grant bail in its discretion taking into consideration the fact that, Accused/Petitioner is a first time offender with no connection with any kind of criminal case in the past. Furthermore, the investigation is complete, therefore, there is no chances of hampering the investigation or tamper with the witnesses.

Ld. Counsel for the Accused/Petitioner submitted that the alleged drugs which were allegedly seized from the possession of the Accused/Petitioner were in intermediate quantity the maximum punishment for the offence alleged is imprisonment up to ten years.

Ld. Counsel for the Accused/Petitioner further submitted that the trial of the case will take considerate amount of time, therefore, this Court may kindly take into consideration the serious medical condition of his father as well as the fact that he is first time offender with no previous criminal record of any kind. It is also submitted that the certificate issued by panchayat proves the moral character of the Accused/Petitioner. Furthermore, he is also a victim in this case, as the alleged drugs were not intentionally transported by him as alleged.

It is submitted that the Accused/Petitioner is innocent and has been falsely implicated by the police in this case. The concerned contraband did not belong to Accused/Petitioner and he was no aware about the same and himself is a victim as

stated above, therefore, it is humbly prayed that he may kindly be released on bail on any terms and conditions, in the interest of justice.

It is further submitted that the Accused/Petitioner is a permanent resident of Mazigaon, Jorethang and having his permanent home in Sikkim. Moreover, he is a responsible member of society and his family is a resident Certificate Holder, as such, there is no chance of his absconsion, if he is enlarged on bail by this Court.

It is also submitted that the Accused/Petitioner undertakes that, if released on regular bail or interim bail, he shall not contact or influence any person acquainted with the facts of the case or any witness connected with the case. He further undertakes to furnish a reliable local surety to the satisfaction of this Court and to abide by all such terms and conditions as may be imposed by this Court while granting him bail. Hence, it is prayed that the Accused/Petitioner may be enlarged on bail on any stringent terms and conditions as deemed fit by this Court.

Ld. Special P.P. Shri Tarden Lepcha, on the other hand, objected the bail petition on the ground that the Accused/Petitioner were found with larger quantities of contraband substances. His conduct poses a direct threat to the youth, who may be lured by the prospect of quick money and fall prey to drug addiction.

Ld. Special P.P submitted that it has been observed lately that most of the accused persons involved in drug-related cases are misusing the liberty granted to them by the Court and continue to indulge in drug-related activities, either while on regular bail or interim bail. He further submitted that, although the recovered contraband substances are in larger quantities, in a small and close-knit State like Sikkim, such quantities have the potential to cause widespread harm, thereby making the matter one of serious public concern.

Ld. Special P.P further submitted that, being unemployed, the Accused/Petitioner is highly susceptible to reverting to drug trafficking to meet his daily expenses.

Ld. Special P.P also submitted that drug-related offences are on the rise in Sikkim. Granting bail in such a case would undermine the deterrent value of legal enforcement, encourage repeat offences, and demoralize the police personnel actively working to curb drug trafficking. Therefore, if the Accused/Petitioner is released on bail, he may attempt to influence the witnesses, thereby hampering the due process of law.

Further, there is a likelihood that he may fail to appear before the Court during the course of the trial. Hence, prayed that the bail petition be rejected.

Heard parties and considered their submissions.

I have also perused the records available in the case, including the certificate issued by the concerned doctor of the father of the Accused/Petitioner, along with certificate issued by the concerned Panchayats.

On perusal of the case records, it is noted that charge-sheet has been filed in the present case and the next date is fixed on 24.08.2026, for filing of list of documents by the prosecution.

On further perusal of the aforesaid certificate issued by the concerned doctor of the father of the Accused/Petitioner, it is seen that the father of the Accused/Petitioner is suffering from multiple ailments, including chronic heart disease, and that the concerned doctor has advised him to undergo immediate surgery.

On perusal of the aforesaid Panchayat report, it is also noted that the the Accused/Petitioner is the only son, sole earning member and caregiver of his old aged parents who are suffering from chronic heart disease (father) and chronic diabetes (mother), and apart from him, there is no other person to look after or care for them.

While considering an application for grant of bail, various factors are to be taken into consideration, such as, the nature and seriousness of the offence, the state of investigation, a reasonable possibility of the presence of the Accused/Petitioner not being secured at the trial, a reasonable apprehension of evidence being tampered with or such other circumstances which may be brought to the notice of the Court which might hamper proper investigation into the matter.

One of the main concern of the Court while granting or denying bail is whether the Accused/Petitioner in the event of his release would flee from justice or not. So far as the Accused/Petitioner fleeing from this Court's jurisdiction is concerned, he being a permanent resident of Majigaon, Jorethang, Namchi District Sikkim having his home and hearth there, there may be no likelihood of him absconding and avoiding trial.

Although the prosecution as usual has raised routine objection that there is an apprehension that the Accused/Petitioner in the event of his release may tamper with the prosecution witnesses but apart from mere oral submission the prosecution failed to adduce any material to support their contention.

As discussed above, there seems to be no reasonable apprehension of Accused/Petitioner tampering with the prosecution witnesses.

Resultantly, the Accused/Petitioner be released forthwith, if not required to be detained in connection with any other case, on his executing/furnishing personal bond(*PB*) and surety bond(*SB*) of ₹50,000/-(*Rupees Fifty Thousand*) only each, with one reliable surety of the like amount. The concerned surety shall file affidavit as per law and in view of Notification no. 53/HCS Dated 18.10.2021 of the Hon'ble High Court of Sikkim. The Accused/Petitioner shall strictly adhere to the following conditions:

- (a) He shall not leave the State of Sikkim without prior permission of this Court.
- (b) He shall appear before this Court on all dates fixed.
- (c) He shall not directly or indirectly, threat, intimidate or influence any person acquainted with the fact of the case, so as to dissuade him from disclosing such facts to the court.
- (d) He shall not commit any other offence.
- (e) He shall not tamper the material evidence or the witnesses.
- (f) He shall provide his mobile number to the Investigating Officer (*IO*) concerned, which shall be kept in working condition at all times. He shall not switch off, or change the same without prior intimation to the IO concerned, during the period of bail.
- (g) In case, he changes his address, he will inform the IO concerned and this Court also.
- (h) He shall not misuse the liberty of the bail or undue advantage of the liberty.

Needless to say, in the event of the Accused/Petitioner violating any of the conditions above, the prosecution may take necessary steps for cancellation of bail.

This Misc Case stands disposed of, accordingly.

Copy of this order be forwarded forthwith to the Jailor, Correctional Home, Namchi, District, Sikkim and to the IO of the case for information and compliance.

A copy thereof also be forwarded through email to the Jailor, Correctional Home, Namchi, District, Sikkim.

sd/-
Sonam Palden Bhutia,
Special Judge (NDPS Act),
at Namchi, Sikkim (I/C)