

**IN THE SPECIAL COURT
ND&PS ACT, AIZAWL**

Bail Appln. No. 1273 of 2022

Ref: Serchhip P.S. Case No. 92 of 2022 u/s 21 (b)/25/29 of ND&PS Act, 1985 Dt. 27.9.2022

Petitioners:

1. Mr. Lalnunthara
S/o Thangzuala
Electric Veng, Champhai

2. Smt. Sangkhumi
W/o Thangzuala
Electric Veng, Champhai

By Advocate's

: Mr. Sangthuama

Versus

Respondent:

State of Mizoram

By Advocates

: 1. Smt. Lalremthangi, Addl. PP
2. Mr. Zoremthuanga, Asst. PP

BEFORE:

**Dr. H.T.C. Lalrinchhana, MJS
Judge
Special Court, ND&PS Act, 1985
Aizawl, Mizoram**

Date of hearing : 01-11-2022

Date of order : 01-11-2022

O R D E R

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1. This is bail application filed by (1) Mr. Lalnunthara S/o Thangzuala, Electric Veng, Champhai and (2) Smt. Sangkhumi W/o Thangzuala, Electric Veng, Champhai u/s 439 of Cr PC in connection with Serchhip P.S.

Case No. 92 of 2022 u/s 21 (b)/25/29 of ND&PS Act, 1985 Dt. 27.9.2022.

2. On hearing the rival contentions of learned counsels of parties at length, this court opined to reject the instant petition on the following reasons:-
 - (1) *Prima facie case* is established as not disputed that all the three accused persons being same family members proceed to Serchhip from Champhai in their own car, recovery of seized 63.49 grams of heroin was made from among bushes in the roadside where the accused persons concealed and on being led by the accused persons.
 - (2) As repetition is often committed in a case under the ND&PS Act, 1985 which is the experienced of this court, there remains likelihood to repeat similar offence on early releasing the petitioner on bail whilst arrested the accused very recently on dt. 29/9/2022.
 - (3) Despite intermediate quantity of seized heroin as it was huge gravity Viz. 63.49 grams of heroin whilst the society as a whole is alarming on the menace of illicit drugs at present.
 - (4) No documentary support on having fixed place of abode. Thus, afraid to abscond due to uncertainty on timely serve of summons/notices.
 - (5) Though claimed that accused Smt. Sangkhumi has fracture in her arms and admitted at Serchhip Civil Hospital on dt. 30/6/2022, no medical documents supported that her health condition is not manageable in jail.
3. Thus, bail petition is rejected at this stage.
4. With this order, Bail petition shall stand disposed of accordingly and give this copy to all concerned.

Dr. H.T.C. LALRINCHHANA
Judge
Special Court, ND&PS Act, 1985
Aizawl, Mizoram

Memo No. Bail Appln. No. 1273 of 2022- ND&PS (A)/ ____: Dated Aizawl, the 1st Nov., 2022

Copy to:-

1. Mr. Lalnunthara & Ors. C/o Mr. Sangthuama, Advocate.
2. Smt. Lalremthangi, learned Addl. PP.

3. Dy SP (Prosecution), District Court, Aizawl.
4. Special Superintendent, Central Jail, Aizawl
5. I/c Judicial Section, District Court, Aizawl.
6. Case Record.

PESKAR