



GAHC030006452025



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

Case No. : Crl.Pet./30/2025

Sh. Thawngnghina
S/o Biaksanga (L)
R/o Tahan, Myanmar
P/A Tanhril, Mizoram

VERSUS

State of Mizoram and Anr.
R/b the Secretary/Commissioner
Excise and Narcotics Department
Government of Mizoram 2:The Officer-in-Charg

Advocate for the Petitioner : Mr. J H Ramneihmawia

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

B E F O R E
HON'BLE MR. JUSTICE RAJESH MAZUMDAR
ORDER

23.09.2025

Heard Ms. Lalthanpuui, learned counsel for the petitioner. Also heard Mrs. Linda L. Fambawl, learned Public Prosecutor for the State respondents.

2. By preferring this petition under Section 528 of BNSS, 2023, the petitioner has prayed for modification of the condition of bail imposed upon him by the



learned Judge, Special Court, ND&PS Act, Aizawl Judicial District, Aizawl through Order dated 07.06.2024 passed in Bail Application No. 430/2024, wherein it was provided that the sureties and the accused shall furnish photocopy of his/her Aadhar Card/EPIC/Driving License for proof of identity and residence.

3. It has been submitted by the learned counsel for the petitioner that the petitioner is a Myanmar refugee who is temporarily staying in Aizawl, Mizoram and therefore, he is unable to provide the aforesaid documents as his refugee status has prevented him from obtaining the required documents. Accordingly, it is prayed that some other mode of identification of the petitioner may be provided for, so that he can avail the benefit of privilege of bail granted to him under Bail Application No. 430/2024 by the learned Judge, Special Court, ND&PS Act, Aizawl.

4. When the matter was taken up yesterday, a request was made to the learned Public Prosecutor to find out as to what other mode of identification can be provided for, since the petitioner would obviously not be in possession of any of the identity cards provided for in the Order dated 07.06.2024.

5. Today, the learned Public Prosecutor has submitted that the Superintendent of Police, Narcotics would be in a position to take necessary steps for identification of the petitioner by taking the biometrics of both eyes, fingerprints of both hands and the photographs, which is also the procedure followed for identification of refugees from Myanmar by the Local Councils.

6. Keeping in view the difficulties that may be faced by the petitioner to provide the proof of identity and residence, this Court modifies the condition No.



3 given in the Order dated 07.06.2024 in Bail Application No. 430/2024 in Vaivakawn Police Station Case No. 410/2022 under Section 21(c) of the ND&PS Act to the extent that the Superintendent of Police, Narcotics would arrange for the petitioner to appear before the Local Council under such conditions as may be necessary, so that the biometrics of both eyes, fingerprints of both hands and photographs etc. may be recorded and Identity Card stating his refugees status may be issued to him, if that is the prevalent procedure. It is also provided that the accused shall provide details of his temporary address as well as given an undertaking that he would not change the said address without prior intimation to the Superintendent of Police, Narcotics and without obtaining prior permission from the learned Judge, Special Court, ND&PS Act, Aizawl Judicial District, Aizawl, Mizoram. The petitioner shall also mark his presence before S.P, Narcotics on the 1st and 15th of each month after being released on bail.

7. The process for identification of the accused as aforesaid shall be initiated after the sureties who propose to stand as bailors, submit their sureties to the appropriate Court in accordance with law. Thereafter, the bail bond submitted on behalf of the accused shall be considered by the appropriate authority to consider his release on bail.

8. The Criminal Petition is disposed of accordingly.

JUDGE

Comparing Assistant