

Item – 24

**IN THE HIGH COURT OF MANIPUR
AT IMPHAL**

Bail Application No. 40 of 2019

Mr. Pausuanlam Zou @ Paubwi @ Papao, aged about 31 years, S/o (Late) Mr. Ginzadal Zou and Mrs. Chingdeiniang Zou, a resident of Moreh Ward No.2, P.O. & P.S. – Moreh, Gamnon Veng, Tengnoupal District, Manipur. A/P at Mantripukhri Lamlongei, Vaiphei Veng, P.S. Heingang, Imphal East District, Manipur.

... *Petitioner/Accused*

- Versus -

1. The State of Manipur, represented by the **Superintendent of Police**, Narcotics and Affairs of Border Police Station, Manipur, Imphal.

2. **The Officer-in-Charge**, Narcotics and Affairs of Border Police Station, Manipur, Imphal.

... *Respondent/s*

**B E F O R E
HON'BLE MR. JUSTICE MV MURALIDARAN**

20.12.2019

[1] Heard Mr. S. Satyendra, learned counsel for the petitioner; also heard Mr. H. Samarjit, learned PP.

[2] The petitioner who is an accused, in FIR No. 43(6) 2018 NAB-PS, U/S 222(b)/22(c), 21(c), 25/29/60(3) ND & PS Act 1985, was arrested on 23.07.2018 along with other accused.

[3] On 25.07.2018, the petitioner/accused was produced before the Court of Special Judge (ND&PS), Manipur

seeking the custody of the petitioner/accused for 6(six) days from 25.07.2018 and the prayer was allowed by the Ld. Special Judge (ND&PS), Manipur.

[4] After expiry of the police custody, the petitioner was again produced before Ld. Special Judge (ND&PS), Manipur on 30.07.2018 and the petitioner/accused was remanded in Judicial Custody.

[5] It is the case of the Petitioner that though he was arrested on 23.07.2018, almost more than 18 months in Judicial Custody, now charge-sheet was already filed and Trial is also going on.

[6] Therefore, due to long incarceration of the petitioner, this petition for bail may be considered and the petitioner may be given bail.

[7] On receipt of notice, Mr. H. Samarjit, learned PP appeared for the respondents/prosecutor and argued that the petitioner/accused was arrested on 23.07.2018 and he was remanded on 30.07.2018 after the police custody and from that day, he is in Judicial Custody.

[8] Mr. H. Samarjit, learned PP has argued the case by showing the counter-affidavit dated 19th Dec. 2019 filed on behalf on Respondent No.2.

[9] By mentioning the Para Nos.8, 11 & 12 of the counter-affidavit dated 19 Dec. 2019 on behalf of Respondent No.2, Mr. H. Samarjit, learned PP is strongly opposing in granting bail to the petitioner/accused.

[10] Though he was in custody from 25.07.2018 and on the long incarceration, the petitioner was on interim bail on fake medical ground in the present case, jumped bail and absconded himself.

[11] Today I heard Mr. S. Satyendra, learned counsel for the petitioner and Mr. H. Samarjit, learned PP.

[12] Admittedly, the petitioner was arrested on 23.07.2018 and after the police custody for 6 days, he was remanded in Judicial Custody from 30.07.2018, almost more than 18 months, he is in Judicial Custody.

[13] Though charge-sheeted was already filed before the Ld. Special Judge (ND&PS), Manipur and the bail was granted once charge-sheet filed, there is no apprehension of the prosecution by the petitioner for tampering or hampering the evidence.

[14] Apart from these, the petitioner, almost more than 18 months is in Judicial Custody.

[15] Therefore, considering the long incarceration of the petitioner and the charge-sheet filed by the respondent and the Trial is going on, I am inclined to pass the following order:-

- i) The bail petition is allowed.
- ii) The petitioner is directed to be released on bail by executing 2 sureties with a like sum of Rs.1(one) lakh each to the satisfaction of the Ld. Special Judge (ND&PS), Manipur.

iii) The petitioner is directed to report before the Ld. Special Judge (ND&PS), Manipur daily at 10.00 a.m. until further orders.

iv) If any condition is violated by the petitioner/accused, the prosecutor is given liberty to approach this Court for cancellation of the bail.

JUDGE

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