

GAHC040004812021



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

**Case No. : BA 25/2021**

1:Thunglong Wangsa  
S/o Shri Wangphan Wangsa, a resident of Khonsa village, PO/PS Pongchau, District  
Longding, Arunachal Pradesh

VERSUS

1:THE STATE OF AP  
represented by by the PP of AP

**Advocate for the Petitioner** : Tabit Tapak

**Advocate for the Respondent** : P P of AP

**BEFORE**  
**HONBLE MR. JUSTICE NANI TAGIA**

**ORDER**

**Date : 31-05-2021**

Heard Mr. T. Tapak, learned counsel for the petitioner and Mr. T. Ete, learned Additional Public Prosecutor for the State.

This is an application under Section 439 of the Code of Criminal Procedure, 1973 praying for release of the alleged accused person namely, Smt. Phephot Wangsa on bail who was arrested on 24.02.2021 in connection with Pongchao P.S. Case No. 06/2021 registered under Section 17/18 of the NDPS

Act, 1985.

The Pongchao P.S. Case No. 06/2021 was registered on an FIR, dated 24.02.2021, lodged by one Rank Nb/Sub Mahesh Chandra of Assam Rifle to the Officer-in-Charge, Police Station Pongchau, Longding District stating that on 24.02.2021 at 0930 hours one of the passenger namely, Mrs. Phephot Wangsa, wife of Khampai Wangsa travelling from Konsa to Longding in vehicle No. AR 18 1692 was found to be in possession of 22 packets of suspected brown sugar (weight 304 grams without container) for which the accused was arrested on the same day.

The petitioner by filing this bail application contends that the accused is a lactating mother having child of about 8 (eight) months old. The accused has further 4 (four) minor children and her husband, the father of the 5 (five) minor children have also been arrested in connection with this case and have been in the custody since 24.02.2021.

This Court by order, dated 10.05.2021, while issuing notice to the learned Public Prosecutor had called for the Case Diary. The Case Diary as called for have been produced by the learned Additional Public Prosecutor.

On perusal of the Case Diary it appears that the accused as well as her husband Khampai Wangsa have been in the custody since February in connection with the Pongchao P.S. Case No. 06/2021. It appears from the Case Diary that one person namely, Aman from Myanmar had came to the house of Shri Khampai Wangsa and gave him 2 (two) packed boxes with a request to hand it over to an unknown person at Longding. It appears that the present accused was instructed by her husband to deliver those two packed boxes to a person at Longding and that is how the accused was apprehended on

24.02.2021 while she was on her way to Longding from Konsa in the vehicle mentioned above.

Considering the fact that the accused in this case was on her way to Longding with those 22 packets of suspected brown sugar on the instruction of her husband perhaps without knowing the contents of those packets and also having regard to the fact that her husband himself have also been arrested and both the husband and wife are in detention since the month of February and they have 5 (five) minor children including one 8 (eight) months old child, I am of the view that this bail application be allowed and the accused namely, Smt. Phephot Wangsa be released on bail on furnishing a bond of Rs. 25,0000/- (Rupees Twenty Five Thousand) along with one surety of like amount to the satisfaction of Special Judge, NDPS Khonsa in connection with Pongchao P.S. Case No. 06/2021 registered under Section 17/18 of the NDPS Act, 1985 on the condition that the accused shall cooperate with the investigation of the case and shall appear before the Investigating Officer as and when called for by the Investigation Officer in connection with Pongchao P.S. Case No. 06/2021 registered under Section 17/18 of the NDPS Act, 1985.

**JUDGE**

**Comparing Assistant**