

**HIGH COURT OF MEGHALAYA**  
**AT SHILLONG**

AB. No. 13 of 2023

Date of Decision: 28.06.2023

Obed Hmar alias Obedia Thiek Vs. Union of India

**Coram:**

**Hon'ble Mr. Justice W. Diengdoh, Judge**

**Appearance:**

For the Petitioner/Appellant(s) : Ms. A. Das, Adv.  
Ms. R. Saikia, Adv. vice  
Mr. T. Baruah, Adv.  
For the Respondent(s) : Dr. N. Mozika, DSGI. with  
Ms. A. Pradhan, Adv.

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| i)  | Whether approved for reporting in Law journals etc.: | Yes/No |
| ii) | Whether approved for publication in press:           | Yes/No |

**JUDGMENT (ORAL)**

1. Heard Ms. A. Das, learned counsel for the petitioner as well as Dr. N. Mozika, learned DSGI for the respondent.
2. The learned counsel for the petitioner has submitted that the background facts leading to the filing of this application involves an incident which occurred on 20.10.2022, wherein a Maruti Omni Van bearing registration No. AS-11-Q-9056 was intercepted by the DRI officers near Mawryngkneng Village, East Khasi Hills District.
3. On the said vehicle being searched, a total number of 150 soap

cases which upon preliminary examination was found to contain narcotic substances suspected to be Heroin. Hence, a case was registered against the two occupants of the said vehicle and investigation was launched.

4. In course of investigation, the involvement of the petitioner herein was found credible and accordingly, the Investigating Officer (I/O) has finally filed the charge sheet, implicating the two accused caught with the said vehicle as well as the petitioner herein.

5. It is the submission of the learned counsel that the petitioner is nowhere connected with the offence alleged, inasmuch as, he is just the landlord of the two accused persons who were arrested in connection with the said case registered as CrI. (NDPS) Case No. 6 of 2023 and as such, apprehending arrest, the petitioner has approached this Court with a prayer for grant of pre-arrest bail under Section 438 Cr.P.C.

6. Per contra, the learned DSGI has submitted that the fact that charge sheet has been filed against the petitioner herein, would show that there is credible evidence linking him to the alleged offence, for which he has to stand trial. It is also submitted that the Trial Court, had time and again given adequate opportunity to the petitioner herein to appear before the said court, but he has failed to do so. In this regard, an order dated 27.06.2023 passed in the said CrI. (NDPS) Case No. 6 of 2023 was produced before this Court, in which the learned Trial Court finding that the petitioner herein is absent and without steps, had accordingly issued a

Bailable Warrant of Arrest against him. It is the further submission of the learned DSGI that the petitioner should cooperate with the proceedings before the Trial Court and may be directed to present himself before the said court.

7. Considering the submission made and the materials placed before this Court, at this point of time, it is noticed that this is a case involving contraband substance and a case under Sections 21(c)/22(c)/ 23(c)/27A/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 is involved.

8. The very nature of the offence would show that the case is indeed serious, in fact, even the application of bail would have to satisfy the provision of Section 37 of the NDPS Act, which at this point of time, could not be done so by the petitioner.

9. Be that as it may, this Court on the facts and circumstances presented before it is not inclined to allow this application at this juncture.

10. In view of the above, AB. No. 13 of 2023 is hereby dismissed as devoid of merit and disposed of accordingly.

**Judge**

Meghalaya  
28.06.2023  
"D. Nary, PS"