
(2021) 04 MAN CK 0008

In the Manipur High Court

Case No : Miscellaneous Cases (Crl.App.) No. 2 Of 2021

Lalrozami Duhlian & Anr.

APPELLANT

Vs

State Of Manipur

RESPONDENT

Date of Decision : 22-04-2021

Acts Referred:

Narcotic Drugs And Psychotropic Substances Act, 1985 — Section 21(b), 22(c)

Citation : (2021) 04 MAN CK 0008

Hon'ble Judges : Mv Muralidaran, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

[1] I heard Mr. H. Kenajit, learned counsel for the applicant/appellant and Mr. Y. Ashang, learned PP for the respondents.

[2] The petition in MC(Crl.App.) No. 2 of 2021 has been filed by the applicant seeking the prayer for suspending the sentence and grant of bail to both the appellant/accused.

[3] Mr. Kenajit represented that the petitioner No. 1 is a lady and she is under the advanced stage of pregnancy she expected the expected the date of delivery is 17th June, 2021 and therefore, Mr. Kenajit prayed this Court that though the conviction was passed on 07.12.2020 for 7 years R.I. with fine of Rs. 50,000/- for the offence of Section 21(b) of the ND & PS Act, 1985 and also awarded 12 years R.I. with fine of Rs. 1,00,000/- for the offence of Section 22(c) of the Act to the petitioner No. 1, on medical ground of her pregnancy, she may be permitted to go on bail whereas in respect of the petitioner No. 2 he is withdrawing this petition.

[4] Mr. Ashang, learned PP also agreed that the petitioner No. 1 being a lady and

in advanced stage of pregnancy, the bail may be considered on medical ground that too for a limited period and the bail of the second petitioner may be rejected.

[5] Considering the arguments advanced by both the parties that though the offences are serious in nature and punishment are 12 years, I am inclined

to consider the case of the petitioner No. 1 alone on the ground that she is in custody from 07.12.2020 and being a lady with advanced stage of

pregnancy, whereas I am not inclined to consider the case of petitioner No. 2.

[6] Without going into the merits of the case except on medical ground, I am inclined to consider the suspension of sentence and bail to the petitioner

No. 1 and dismiss the petition to petitioner No. 2.

[7] In the result,

a) the petition in MC(Cril.App.) No. 2 of 2021 is allowed in respect of the petitioner No. 1 and dismissed for petitioner No. 2;

b) the suspension of sentence and the bail is granted to the petitioner No.1 with an consideration that the petitioner No. 1 should execute the surety for

a sum of Rs. 50,000/- with two sureties of like sum to the satisfaction of the Learned Judge, Special Court (NDPS), Manipur at Lamphelpat;

c) the petitioner No. 1 is directed to report before the Respondent daily at 10:00 AM for a period of 2 (two) weeks and thereafter, on every month of

first working day;

d) the petitioner No. 1 is directed not to leave the jurisdictional police station without the permission of the Learned Judge, Special Court (NDPS),

Manipur at Lamphelpat.

[8] Registry is directed to issue copy of this order to both the parties through their WhatsApp/e-mail.

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