

**IN THE COURT OF ADDL.DISTRICT & SESSION JUDGE, AIZAWL**  
**Anticipatory Bail Appln. No. 13/2014**

K. Malsawmkima  
S/o Nochuta  
R/o Ramhlun North, Aizawl : Applicant

Versus

State of Mizoram : Opposite party

Date of Order : 20.06.2014

**BEFORE**

*Smt. Helen Dawngliani, Addl. District & Session Judge*

**PRESENT**

For the Accused/Applicant : C. Lalramzauva, Sr. Advocate  
A. Rinliana Malhotra  
Zoramchhana, Advocates  
For the State : Rose Mary, Addl. PP

**ORDER**

Ld. Counsels for the parties are present. Investigating Officer appeared in person along with the Case Diary.

Mr. A. Rinliana Malhotra, Id. Counsel for the applicant submitted that the applicant is a Govt. Servant working as Constable in the 1<sup>st</sup> Bn. MAP. The Id. Counsel submitted that while the applicant was posted at Lengpui Airport, vide Order dt.22.4.14 he was repatriated to his parent unit i.e. 1<sup>st</sup> Bn. MAP on the ground that he used to receive Cargo belonging to Lalremsangi Fanai and accused in connection with Kulikawn PS Case No. 43/14 dt.18.4.14 u/s 25A ND & PS Act and that he used to deliver the Cargo to the said accused and the Cargo contains Pseudoephedrine. The said Lalremsangi Fanai was arrested on 18.4.14. Thereafter on 25.4.14 the Deputy Commandant, 1<sup>st</sup> Bn. MAP called for an explanation from the applicant and thereafter the petitioner was placed under suspension vide Order dt.23.5.14. According to the Id. Counsel, the said Lalremsangi Fanai is a relative of the applicant and as the applicant was working at Lengpui Airport as Security Guard, she used to request him for making necessary arrangement of the Cargo which were labelled as 'MEDICINE'. The petitioner in good faith used to carry out the request of his relative who used to collect such Cargo through her Driver. The applicant did not have any profit for the service rendered by him. It has come to light that the Cargo addressed to RS Pharmacy, Falkawn contained a large quantity of pseudoephedrine which was not detected even by the x-ray machine of the Airport. Accordingly, the Id. Counsel submitted that neither he nor the other Police Officers on duty at Lengpui Airport could have detected what was not detected by the x-ray machine. The Id. Counsel therefore submitted that eventhough the applicant has no involvement nor does he have the knowledge about the contents of such Cargoes, he has been informed that he is likely to be arrested and there is reason for him to believe that he would be arrested since the said

Lalremsangi Fanai have been arrested. The Id. Counsel also submitted that at present, Lalremsangi Fanai and co-accused Lalrozara have been released on bail.

On the other hand, Mrs. Rose Mary, the Id. Addl. PP objected the prayer by submitting that in the given facts of the case and the nature of the offence, it would not be in the interest of justice to grant pre-arrest bail to the accused.

Heard the parties and perused the Case Diary. It is seen from the Case Diary that the statement of the accused and that of Lalremsangi Fanai have been recorded. It is also notice that the statements of other witnesses as well as other accused persons have been recorded. It is also seen from the Case Diary the manner in which Cargoes are handled in the Airport have been stated by the Incharge.

Considering the stage of investigation, the statements of various witnesses and accused persons including the applicant, the absence of any material to suggest that the applicant is likely to misuse his liberty, the absence of any criminal antecedents and the unlikelihood of the applicant fleeing from justice, I am of the considered view that reasonable ground exist to allow the application.

Accordingly, in the event of arrest, applicant K. Malsawmkimi shall be released on bail.

Case Diary shall be returned to the Investigating Officer through Mrs. Rose Mary, Id. Addl. PP.

With the above Order, the application stands disposed off.

**Sd/- HELEN DAWNGLIANI**

Addl. District & Session Judge  
Aizawl Judicial District, Aizawl

**Memo No..... AD & SJ (A)/2014 : Dated Aizawl, the 20<sup>th</sup> June, 2014**  
**Copy to :-**

1. K. Malsawmkima through Counsel Mr. A. Rinliana Malhotra, Advocate.
2. Officer-in-Charge, Kulikawn Police Station.
3. Mrs. Rose Mary, Addl. PP.
4. Investigating Officer through Mrs. Rose Mary, Addl. PP.
5. Registration Section.
6. Guard File.
7. Case Record.
8. Calendar Judgment.

**P E S H K A R**