

(2025) 12 MEG CK 0042

Meghalaya HC

Case No: Bail Application No. 61 Of 2025

Sahara Suna

APPELLANT

Vs

State Of Meghalaya

RESPONDENT

Date of Decision: Dec. 17, 2025

Acts Referred:

- Narcotic Drugs And Psychotropic Substances, Act, 1985 - Section 27A, 29, 37, 67

Hon'ble Judges: W. Diengdoh, J

Bench: Single Bench

Advocate: S. Deb, N.G. Shylla, A.M. Pala

Final Decision: Dismissed

Judgement

W. Diengdoh, J

1. Heard Mr. S. Deb, learned counsel for the applicant, who has submitted that the case of the applicant herein is that on the basis of an FIR lodged before Umkiang Police Patrol Post, East Jaintia Hills District on 31.07.2025, wherein a report was made with the police in the Anti-Infiltration Check Post Ratacherra and while conducting vehicle checking, had intercepted one vehicle (Tata Sumo Tourist white colour) bearing registration No. ML 04 B 4487. Upon searching, the person of one Shri. Kmenlang Dkhar, contraband substance suspected to be heroin was seized from him. Accordingly, following due procedure and formalities, the case under the NDPS Act was registered, and the said suspect was arrested in connection thereof.

2. The learned counsel also submits that, in course of investigation, another person suspected to be involved in the transaction of the contraband substance, namely Shri. Rudy Sutnga was also arrested, the primary allegation against him is that, he is instrumental in financing the said operation, wherein an amount of ₹ 45,000/- (Rupees forty-five thousand) only was detected to have been transferred from his account presumably for procurement of the said contraband substance. He also submits that the Investigating Officer, during the course of his investigation, has

noted that there is evidence against the said main accused person and also against the co-accused person, namely Shri. Rudy Sutnga, and accordingly, on a well-founded prima facie case, the Investigating Officer had referred the matter to the competent court of jurisdiction for the accused person including Shri. Rudy Sutnga, to stand trial for having committed an offence under Section 27A/29 NDPS Act, 1985. However, charges have not yet been framed till date.

3. It is the further submission of the learned counsel that the accused husband of the applicant i.e. Shri. Rudy Sutnga is not at all involved in the whole operation, and in fact, as regard the said transfer of ₹ 45,000/- from his account, the same was sent to one Smti. Patience Pale, who is his sister-in-law for the cost of her medical treatment. This transaction has been construed as one, relating to the involvement of the said accused person in question in financing the operation by the said main accused person, Shri. Kmenlang Dkhar, where in fact, the accused person in question is not at all known to Shri. Kmenlang Dkhar and there is no nexus whatsoever as far as their relationship is concerned.

4. On this premise, the learned counsel has submitted that, there being no concrete evidence as far as the involvement of the accused person in question is concerned, and the fact that he is also a government servant, and the said amount transferred to his account being part of his salary package, therefore, his arrest is uncalled for. Also considering the fact that the charge sheet has already been filed, therefore, it is prayed that under such circumstances, he may be allowed to be enlarged on bail.

5. The learned counsel also submits that, admittedly, the seized contraband substance is that of an intermediate quantity, however, because of the alleged involvement of the accused person in question, attracting the provision of Section 27A/29 NDPS Act, therefore, the operation of Section 37 of the NDPS Act has come into force, which in fact ought not to have been so. It is prayed that the accused person having been in custody for 4(four) months or so, he may be enlarged on bail with any conditions deemed fit and proper to be imposed by this Court.

6. Also heard Mr. A.M. Pala, learned GA appearing for the State respondent, who has submitted that the case diary as called for, could not be produced today, and has sought for time for the same to be produced. However, in the light of the submission made by the learned counsel for the applicant that the case has been charge sheeted and copy of the charge sheet in its entirety has been annexed with this instant application, therefore, the production of the case diary is not necessary, and this Court can come to a decision in the matter on the basis of the papers annexed herein. Accordingly, the learned GA has submitted that the State has no objection to the prayer made and has left it to the discretion of this Court to pass necessary orders.

7. This Court has considered the submission made, without going into the detailed facts and circumstances of the case, however, on the basis of what has been

submitted, and on perusal of the petition in hand, would notice that from the Disclosure Memo, is found the statement of the said accused Shri. Kmenlang Dkhar, who had stated that I used to take/purchase drugs from Rody Sutnga for consumption and also for the purpose of selling. I know Shri. Rody Sutnga and Shri. Leni Rymbai since I start to take drugs. On 30.07.2025 @ 7:00 A.M Shri. Rody Sutnga dropped me Khliehtyrshi to Jowai to proceed to Kalain, Assam for acquiring drugs as Shri. Rody Sutnga has already transfer Rs. 40,000/- (Fourty Thousands) to Shri. Leni Rymbai and transferred the money to the dealer at Kalain Assam. The remaining amount of rs 35,000/- (Thirty five thousands) of my own which I carried in cash as the total one sop box is approximately Rs 70,000/- (Seventy Thousands). On the same day evening I reached Kalain, Assam and meet the dealer I dont know his name. At one shop he told that he have not received the money and tell me to wait.

8. Though the learned counsel for the applicant has contended that there is no relationship or nexus between the accused person in question (Shri. Rudy Sutnga and Shri. Kmenlang Dkhar), the said disclosure statement, however says otherwise. Again, as far as the transaction of the money is concerned, it may be true that Shri. Rudy Sutnga had indeed transferred the said sum of ₹ 45,000/- to his sister-in-law for her medical treatment, but the fact that the accused, Shri. Kmenlang Dkhar had clearly stated that a sum of ₹ 40,000/- was transferred to one Shri. Leni Rymbai for the purpose of procurement of the contraband substance, would only prove that this could have been a different financial transaction altogether.

9. It is true that the statement of a co-accused made under Section 67 of the NDPS Act is not admissible in evidence, however, for the purpose of bail, this Court is not deterred from relying on such statement for the purpose of consideration of the prayer for bail. Since charges have not yet been framed and evidence have not yet been recorded, at this point of time, this Court is of the considered view that prima facie, a case has indeed been made out against the said accused person in question.

10. Accordingly, this petition is found to be devoid of merits and the same is hereby dismissed.

11. No order as to costs.