

HIGH COURT OF SIKKIM
Record of proceedings through Video Conferencing

I.A. No.1 of 2021
Arising out of
BAIL APPLN No. 09 of 2020

TSHERING GANJAY LACHUNGPA PETITIONER

VERSUS

STATE OF SIKKIM RESPONDENT/APPLICANT

Date:25.01.2021

CORAM

HON'BLE MR. JUSTICE BHASKAR RAJ PRADHAN, J.

For Petitioner : Mr. Leonard Gurung and Mr. Shakil Karki,
Advocates.

For Respondent/
applicant. : Mr. Yadev Sharma, Additional Public
Prosecutor.

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The disposed application for bail by one Tshering Ganjay Lachungpa (petitioner) under Section 439 of the Code of Criminal Procedure, 1973 (Cr.P.C.) read with Section 37 of the Sikkim Anti Drugs Act, 2006 was considered by this Court and rejected vide order dated 11.11.2020. While doing so in view of the submission made by the petitioner therein that he is in need of rehabilitation the State respondent was directed to have the petitioner assessed by a psychiatric and the State Medical Board for appropriate recommendations.

I.A. No. 01 of 2021 has been filed by the State respondent stating that pursuant to the direction issued by this court the petitioner was examined and found to have mild opioid dependence.

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The Head of Department (HOD)-cum-Chief Consultant of the Department of Psychiatric, STNM Hospital in his report dated 03.12.2020 has advised that the petitioner needs rehabilitation and detoxification in a rehabilitation centre.

The State respondent has accordingly filed the report of the petitioner in the present application for appropriate orders. The medical expert having found that the petitioner is in need of rehabilitation and detoxification in a rehabilitation centre there is no reason why the petitioner should not received immediate treatment.

In the circumstances, the State respondent is directed to take all necessary steps to ensure his rehabilitation in the rehabilitation centre immediately. While doing so, as his bail has been rejected necessary steps for his secure custody at the rehabilitation centre may also be adequately made as per law.

I.A. No. 01 of 2021 stands disposed.

Judge