

GOVERNMENT OF NAGALAND  
OFFICE OF THE DIRECTOR GENERAL OF POLICE  
NAGALAND : KOHIMA

NO.PHQ/IGP/CID/NAR-D/48/2023/810

Dated, Kohima the 18<sup>th</sup> Oct. 2023

**ORDER**

It is noticed that generally, even in serious offences related to Narcotic Drugs and Psychotropic Substances, Extortion, Arms Act and UAPA/NSR cases and all SR cases, **the accused persons tend to obtain bail without much difficulty. This hampers investigation and delivery of justice and also dents the image of State Police and prosecution, and adversely impacts the security situation in the State.** Therefore, Commissioner of Police Dimapur and all the Superintendents of Polices are hereby directed to ensure the following steps are taken to prevent accused persons from obtaining bail easily.

1. The Commissioner of Police Dimapur and Superintendents of Polices shall request the Courts that bail hearings in cases related to serious cases may not be posted without giving sufficient time to prosecution and police to present their views in writing.
2. There has to be regular communication with the Public Prosecutors/Assistant Public Prosecutors and Prosecuting Inspectors to ensure information regarding bail applications are received well in time. Unit commanders shall ensure that the Prosecuting Inspectors and the Prosecutors are briefed properly. Any laxity on the part of the Prosecuting Inspectors shall be dealt with firmly.
3. A strategy has to be devised to oppose bail in all important cases in coordination with respective Public Prosecutors/Assistant Public Prosecutors. The respective Investigating Officers guided by the Sub-Divisional Police Officer, the Addl. Superintendent of Police and the Superintendent of Police **shall prepare and submit written submissions to the Court through the PP/APPs.** In order to ensure that the written submissions are presented well before the Hon`ble Court, Investigating Officer of the case shall ensure his presence during bail hearing in all important cases as mentioned above.
4. In those case where the Hon`ble Court shows inclination of granting bail to the accused, the I.O./P.I. and **the APP shall ensure that appropriate conditions are imposed on the accused or any sureties** *to ensure that the accused does not tamper*

with evidence or influence the investigation of witnesses and remains available for the investigation as and when the I.O. requires his/her presence or to ensure the compliance of bail conditions. A checklist of suggestive conditions is enclosed for reference (Annexure-I).

Further, **if the I.O. is unsure about the veracity of the sureties or their capacities to ensure the compliance of the bail condition by the accused or the place of residence of the accused, the I.O. shall seek time from the Court for the verification of the credibility/capacity of the sureties.**

5. **While obtaining surety** in Narcotic Drugs and Psychotropic Substances cases, the **Court shall be requested to set the amount of bail bond to be sufficiently high,** say, at least half the price of the contraband seized. Besides, a **checklist** may be prepared and **submitted to the Courts setting out our conditions for the grant of bail** and include the same in the order granting bail. The ID shall submit a signed checklist to Court.
6. The **execution of bail conditions** shall be **strictly ensured and monitored at the PS level, SDPO level and Superintendent of Police level.**  
As per the existing formats and a fortnightly report to be submitted to the respective DIG – Ranges, IGP – Range & Addl. DGP - L/O. In case the bailee fails to comply with the conditions, a notice shall be sent to the bailee, and the sureties and entries made in the case diaries.
7. If the **accused fails to abide by the conditions of bail on two occasions, immediate measures to get the bail cancelled need to be initiated.** These may also include attaching Cash Bonds by accused or by sureties too.
8. In order **to have smooth investigation and subsequent trial, if any, and to execute any processes viz. summons, warrants, etc., it is important that the I.O. records the correct and verified addresses of the accused and the same are entered in the records.**

*Hence, the I.O. shall insist details of Government issued ID cards, bank accounts, a letter from the village council/ward chairman while insisting on verification of the permanent and present addresses including those of the near relatives of the accused persons.*

A profile data record shall invariably be part of the case record, for this purpose.

**The addresses given by the accused persons and the sureties shall also be verified with the respective Police Station jurisdiction to ensure that the accused is available for investigation and trial process.**

In the event of any change in the address by the accused, it shall be the duty of the accused and the sureties to inform the same to the I.O. and the Hon'ble Court.

9. For absconders, summons shall be issued at first, failing which NBWs shall be obtained. In case NBWs are not executed, proclamation proceedings shall be initiated followed by the proceedings for attachment of the property as per the process laid down in the Cr.P.C.

All Superintendents of Polices are directed to ensure these points and also submit details of accused in all cases related to Narcotic Drugs and Psychotropic Substances, extortion, Arms and UAPA/NSR registered from 01st Jan 2023 to the undersigned as per format given below, by 30th November 2023.

Sl. No.	Case No.	Name(s) of accused	Whether accused is on bail or not	Name(s) of accused on bail	Name(s) of absconding accused, if any.	Remarks



18/10/2023

(Rupin Sharma) IPS  
Director General of Police  
Nagaland, Kohima.

NO.PHQ/IGP/CID/NAR-D/48/2023/ 810

Dated, Kohima the 18<sup>th</sup> Oct. 2023

Copy to:

1. The Addl. Director General of Police (Adm/L&O), Nagaland for information.
2. The Inspector General of Police (Range/CID), Nagaland for information.
3. The Dy. Inspector General of Police (Range-Kohima/Dimapu/Mokokchung), Nagaland for information.
4. The Commissioner of Police Dimapur for information and necessary action.

5. The Superintendent of Police (Kohima/Kiphire/Mokokchung/Noklak/Peren/Longleng Tseminyu/Tuensang/Wokha/Zunheboto/Mon/Phek/Shamator), Nagaland for information and necessary action.
6. The Superintendent of Police (SCPS/Cyber/Narcotics), Nagaland for information.
7. The Dy. Commissioner of Police (Dimapur/Chumukedima/Niuland), Nagaland for information and necessary action.
8. Office copy.

A handwritten signature in blue ink, appearing to be 'D. Masung', is written over a horizontal line. Below the signature, the date '18/11/2023' is written in blue ink.

Director General of Police  
Nagaland, Kohima.

Checklist for Bail Conditions:

- Accused shall produce a cash surety/deposit of decent amount and in Narcotic Drugs and Psychotropic Substances cases the surety amount shall not be less than half of the market value of Narcotic Drugs and Psychotropic Substances seized from the accused. This cash deposit would be deposited with Court with intimation to the Police/I.O.
- The accused shall produce a surety who is preferably a government servant.
- In case the accused is having any property in his name, the documents of the property shall be kept as surety.
- The Accused shall be requested to share his personal mobile number which must not be changed and kept in working condition for the IO/Police to have access to him at all times.
- Accused shall share the complete residential address where he is going to stay during the bail period. In case accused changes his address, he shall inform the IO of the case and the Court regarding the same. Change of address shall not ordinarily be done without approval from the Police/I.O.
- The accused shall mandatorily visit the PS of his given residential address at least once in a week. In case the accused is requested to travel out of that place/jurisdiction, he shall provide the address where he is likely to be stationed during such absence and during this period, he shall visit the PS of that place with information to the IO. The IO may request time to verify such addresses.
- The accused shall mandatorily send a text message from the mobile number he shared to the IO to confirm that the mobile number he is using is still in usage. In case if the accused uses any other number, the same shall be informed to the I.O.
- The accused shall present himself before the IO as and when called for the purpose of investigation.
- The accused who hails from states other than Nagaland, while entering Nagaland, shall compulsorily inform to nearest PS after entering Nagaland.
- The accused shall keep himself away from any person that may likely to be involved in Narcotic Drugs and Psychotropic Substances, Extortion or Arms act activities. In case, he is found to be connected to such person and his activities are found suspicious, his bail may be cancelled.

The accused shall not tamper/influence any witnesses or any other person who may be a potential witness by either use of any force, intimidation, any contact whatsoever in person or through messenger or **through digital/electronic means**.

Further, the accused person shall not make any allurements or attempt to bribe them in any manner.

The accused shall **not engage in tampering of evidence** if he is released on bail.

The accused shall **fully co-operate with investigating agencies** and he shall ensure to be present as and when required to do so.

The accused shall **abide by all the conditions as the Hon'ble Court** may deem fit in **case of grant of bail to the accused**.

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1. The above bail conditions suggestive to the I.O.
2. For every offence as mentioned in the circular, I.O. of the case will take up the necessary bail conditions in written with the Prosecuting Inspector and with the PP/APP.
3. The I.O. shall, after submitting his written bail conditions to the Prosecuting Inspector, PP/APP will indicate the communication that he has prayed to the Court in the form of giving a  and after signing the same, submit a copy to his OC concerned.