

Sensational Drug Kingpin: Apropos to IFP Article on Lhukhosei

Malem Ningthouja
17th May 2020.

Apropos

On 12th May 2020, the Manipur based daily newspaper *Imphal Free Press* published a piece of news under the title 'Court Asks State to Give Written Assurance to Treat Drug Kingpin, Lhukhosei Zou.' *IFP* reported, "Special judge of ND&PS Court, Aribam Noutuneshori has asked the state government to provide a written assurance through the special public prosecutor if medical facilities can be provided to Lhukhosei Zou, who was arrested with a huge amount of drugs, at the State's expense. The Court issued the directive to the State to submit the written assurance during the bail hearing of Lhukhosei Zou held on Tuesday." Perhaps, the judge was expressing empathy as she believed in everyone's innocence unless proven guilty: "I have to consider everything, I have to decide on merit and documents, the state has to give a written assurance that medical treatment can be given to Zou."

Civil rights of UTP

But the remark of the judge and the news created sensations to various sections in various ways. Several perplexing questions emerged. Can't Lhukhosei Zou enjoy civil rights and fight to claim innocence until proven guilty? Yes, he must enjoy the rights accorded to an undertrial prisoner. Can't he get bail for medical treatment? Yes, he must plead for that. Accordingly, on 20th April 2020, the wife of Lhukhosei Zou Mrs. Lameng Zou, *vide* Criminal. Miscellaneous (B) Case Number 103 of 2020, registered in the Special Court (ND&PS), Manipur, prayed for the release on bail on the medical ground of her husband Lhukhosei Zou. The hearings of bail application were subsequently held on 20th, 22nd, and 24th of April, and continued on 8th, 12th, and 15th May. This speedy process of hearings appears to be on a desirable track for the Zou family despite restrictions due to the ongoing lockdown vis-à-vis Covid-19 pandemic that has largely affected the normal functioning of the judiciary.

Legitimate suspicions

But there are others who suspected the procedure of the bail hearing. They raised many questions. Will the judge grant bail at any cost by any means? She will "decide on merits and documents." Are there vested cliques that used unfair means to influence the judge? It has not been proven. Was there a meticulous design in executing the transfer of the former judge, who reportedly took a keen interest in handling this particular, on 28th January 2020, that is, about one month before the proclaimed absconder Lhukhosie could manage to surrender before Court on 28th February 2020? It must be a routine proceeding. Why did the surrender occur after his transfer, though the former judge was reportedly aware of a plan of surrender during his incumbency? It is not proven.

Why was the surrender executed on the last day of the 10th Session of the 11th Manipur State Assembly, and, not either before or during the Session? It must be coincidental. Are there politicians, bureaucrats, illicit drug smugglers, police officers, legal professionals, medical

professionals, and media persons who are playing vested roles either for or against this particular case of Lhukhosei? A fair investigation and truthful confessions can tell exactly. Will Lhukhosei abscond after getting a bail? His wife says he will not escape. Will he make use of the bail to use his influences and intervene in the administration of justice? His wife says he was innocent of the charges.

Sensational arrest

Suspicion, negative presumptions, and questions did not develop in a vacuum. Let's go back to the past, starting from 20th June 2018; since then, Lhukhosei Zou became a sensational figure.

In the intervening night of 19th and 20th June 2018, police carried out a surgical raid against drugs in several locations. They arrested Mr. Lhukhosei Zou, and seven other associates; Mr. Esther Vungheinuam, Mr. Mung Zou, Mr. Thangminlun Zou, Mrs. Teresa Ngaite, Mr. Lawrence Zou, Mr. Minlal Mate, and Mr. Jamkhohao. Lhukhosei then was an influential Chairman of the 5th Autonomous District Council of Chandel district. He was elected to the ADC in June 2015 from the Indian National Congress ticket. In September, he became the Chairman and subsequently defected to the Bharatiya Janata Party in April 2017.

Lhukhosei and his associates were booked under FIR No. 43 (6) 2018 under sections 22 (b), 21 (c), 22 (c), 29, and 60 of the Narcotic Drugs and Psychotropic Substances Act 1985. According to police, "the following were seized from them: (1) Heroin No. 4 powder—4,595 Kgs., (2) World is Yours (WY) Amphetamine tablets—2,80,200 tablets weighing 28 Kgs., and other items. Altogether the total seized amount of drugs along with the seized currency was Rs. 28,36,68,000 at international market." Lhukhosei was considered the kingpin of the drugs. Police charged:

"Following this [*information*], under the supervision of SP/ NAB and S.P. Imphal West, a combined team of NAB and Imphal West Police conducted a raid at the house of Mr. Lhukhosei Zou @ Shesei Zou (51 years), Chairman, Autonomous District Council (ADC) Chandel... Seized 2,00,000 (Two lakhs) World is Your (WY) Amphetamine tablets from the quarter of the ADC Chairman. One (01) 0.32 NPF Pistol with 21 (twenty-one) live rounds, one (01) SBBL Rifle with two (02) gun license books, one (01) Honda Activa bearing registration No. MN02B-2301 of maroon colour. Rs. 95,000/- (Rupees ninety-five thousands) old currency notes and Rs. 13,03,000/- (Rupees thirteen lakhs three thousand only) in new currency notes have also been seized from the possession of the Chairman, ADC."

The arrest was considered a breakthrough for the police in the ongoing "war against drug" announced by the incumbent BJP led government. It became highly sensational. The same day, the BJP, Manipur Pradesh expelled Lhukhosei from the primary membership of the party on the charge of "antiparty and anti-social activities." On 24th September, the meeting of the ADC Chandel removed him from the post of Chairman. At the same time, Lhukhosei and close circles also tried their best to prove the innocence of the charges. The arrest was politicalized to the extent that, on 9th July 2018, a group comprising a section of Hill Tribal Council, Moreh, Meitei Council, Moreh, Manipur Muslim Council, Moreh, Tamil Sangam, Moreh and Gorkha Samaj Sewa Samiti, Moreh, "expressed deep shock and disbelief at the arrest and subsequent judicial

remand of [Lhukhosei] ... NAB Manipur has portrayed the arrested individuals as convicted people.” However, others wanted a befitting punishment of the alleged drug kingpins.

Conspicuous bail

Lhukhosei was remanded into judicial custody on 3rd July 2018 by the Special Court (ND&PS), Lamphel, followed by remands after remands. A charge sheet was completed by 6th October 2018. In the meanwhile, Lhukhosei pleaded innocence. After that, he applied for bail on medical ground, presumably on 24th August 2018. One may note an essential point in this regard. It is legitimate for an undertrial prisoner to demand medical treatment in case of suffering from a chronic disease or illness. The jail authority must provide medical treatment. The government must provide security to the prisoner for any medical treatment outside the premise of the jail. In the case of Lhukhosei, it is believed that the jail authority had neither provided medical treatment nor sufficient security to keep a guard of the accused. Who is responsible for these lapses? Was there a collaborative ploy designed by some superior sections to grant bail by any means?

Lukhosie was granted interim bail on 19th December 2018. According to the Order of the judge, “... this Court has referred the accused to State Medical Board, followed by a number of directions given to the jail Authority. ... A health status report dated 15.12.2018 was received from MCJ [*Manipur Central Jail*], Sajiwa along with copy of Out Patient Registration Sheet. It is evident that the concerned doctor has suggested that the Laparoscopic Cholecystectomy be performed on 21.12.2018. 5... On 17.12.2018, this Court had noted that the question had arisen if the State could make arrangements for the operation by providing escort and security without enlarging the accused on interim bail. The Court had given time to the Ld. Spl. P.P. [*Public Prosecutor*] to seek instruction from the State authorities...” The judge noted, “Ld. Spl. P.P. informs that he had sought instructions from State authorities. He submits that the authorities are not in a position to arrange the escort or any security arrangement for the medical operation of the accused scheduled to be performed on 21. 12. 2018. It is submitted that the Assembly Session will commence on 20.12.2018 and the police will be hard pressed to make security arrangement for the same. Ld. Spl. P.P. accordingly has not raised any specific ground of objection to the prayer for interim bail and submits appropriate Order may be passed...” “But in view of the submission of the Ld. Spl. P.P. representing the State, this Court has no option except to grant interim bail... The accused is hereby granted interim bail till 2.01.2019.”

But, Lukhosie failed to appear before the Court on 2nd January 2019 and jumped the bail on 8th January 2019. Instead, his wife, Mrs. Lamneng Zou filed an application claiming that “yesterday on 7.01.2019, the accused went to Dr. Thokchom Sachindra Singh, Prof and Head of Cardiological Dept. RIMS, Imphal, who gave him a medical prescription and advised bed rest.” According to the judge, “Ld. Spl. P.P. submits the State is now prepared to arrange security arrangement of the accused so that his medical treatment can be undergone without enlarging him on bail ... Hence, no further extension of the interim bail is granted and the accused shall immediately surrender to Court and no further extension of the interim bail is granted. The jail authority shall get the accused examined by State Medical Board in view of the new medical documents filed by the petitioner.” Accordingly, a warrant of arrest was issued and direction was given to produce the accused before the Court on 22nd January 2019. However, Lukhosie was found traceless and could not be produced before the Court on the fixed date.

Registered allegations

Lhukhosie was officially traceless. Rumours suggested that he had escaped to Myanmar. Fair and foul plays became apparent in different opinions that divided officials into either for or against the accused. It was alleged that attempts were made by a powerful section to withdraw the charge sheet against the accused so that the statutory of 180 days under section 167(2) CrPC would have lapsed, and the accused would be entitled to a statutory bail. The judge on 11th January 2019 wrote two letters to the Bar Council of Manipur and the Director-General of Police, pointing out some names as responsible for attempted intervention in the administration of justice. According to the letters, "What cannot be ignored is the involvement of high ranking police officials and possibly vested political interest... to openly make attempt to interfere with the administration of justice." The affidavit of OC NAB Police Station Mr. Rishikesh Sharma substantiates the allegation. Though the allegation was refuted by the affidavit of H. Chandrajit Sharma, a senior advocate by profession and the then incumbent president of the All Manipur Bar Association, his affidavit substantiates that many peoples including the Chief Minister, senior advocates, and police officers have taken the issue either personally or with a keen interest, probably in a good sense. He stated, "O.C., NAB. Rishikesh told me that his higher authorities instructed him to withdraw the charge sheet of the FIR case in which the ADC, Chandel is involved."

Having traceless, the Court finally declared Lhukhosie a proclaimed absconder on 27th March 2019. After that, nothing much was reported in the media about Lhukhosie. However, on 26th August 2019, the Chief Minister stated that Lhukhosei might have been in Mynamar and that the government would contact Interpol through CBI to search and arrest Lukhosei. Coincidentally, on the same day, the Hill Tribal Council Moreh and Kuki Chiefs' Association Tengnoupal challenged that Lhukhosie had nothing to do with the drugs. According to their statement, the drugs belonged to "Chinliankhup of Phaicham veng Moreh Ward No 3, Sianjathang of Gamnom Veng Moreh Ward No 2, Niangkasuan of Gamnom Veng Moreh Ward No 2, Tungkhanmung of Gamnom Veng Moreh Ward 2, Niang-en (Teresa) of Phaicham Veng Moreh Ward No 3, Nianhauching @ Martha of Home Guard Veng Moreh Ward No 1, and Pausuanlam @ Paupu of Gamnom Veng Moreh Ward No 2." The NAB reportedly sent summon letters to these persons and organisations. There was no response. NAB did not follow up with any action due to other pressing works.

Surrender and legal fight

Lhukhoisie seems to be out of public memory for some months. The newspapers are entirely silent about him and the issue. However, a diplomatic channel appears to be working behind the curtain of the public scene to bring back Lhukhosie from a fugitive life to overground. The former judge was aware of it as he intimated some police officers about it. But he was transferred. After a month, Lhukhosie suddenly appeared at the public scene on 28th January 2020. The Court allowed him to surrender vide Order dated 28th February 2020 in Criminal Misc. Case No. 51 of 2020 and remanded him into judicial custody.

After some weeks, on 20th April 2020, the wife of Lhukhosei Zou Mrs. Lameng Zou, filed an application that raised two basic demands; (1) innocence of Lhukhosei, and (2) release on bail on medical ground. First, Lhukhosei was innocent, and he was arrested by police on mere suspicion. No incriminating articles were recovered from his possession or on his information whatsoever. Remnants of the drug samples from Forensic Science Laboratory could not be traced, and as such, examination of P.E. could not be completed. Second, Lhukhosei had not run away from the Court. He could not appear before the Court as the outlawed armed group called Kuki National Army Eastern Zalen'gam (Burma) abducted him on 5th January 2019. It was only after the completion of the inquiry conducted against him that KNA released him. The unverified copies of medical reports supposedly conducted while he was still under the custody of the KNA, as submitted by Lameng would suggest that he was present in Myanmar as late as 17th August 2019. Third, according to Lameng, Lhukhosei had been suffering from chronic illness, as substantiated by the medical report prepared in Myanmar. On 16th April 2019, she went to the Manipur Central Jail to meet her husband. The jail authority informed that her husband has been seriously ill. "Due to lack of medical facilities, the jail authority could not provide proper treatment inside the jail, and the life of the accused person is in danger. And hence, it is therefore prayed for releasing him on bail to enable him to treat his illness in a well-equipped hospital."

It is for the Court to decide on the claim of innocence. But the reported missing of the remnants of drug samples from FSL suggest either dereliction of duty or foul play of some higher officials to sabotage a fair trial. But legal experts suggest that since FSL reports, duplicate sample and permanent are under custodial protection, the missing of the remnants will not affect the merit of the charges. Leaving aside this, the story of kidnapping by KNA has to be questioned. This story of kidnapping on 5th January 2019, submitted on 20th April 2020, contradicts what Lameng had filed in the Court a year ago. On 8th January 2019 Lameng filed that "yesterday on 7.01.2019, the accused went to Dr. Thokchom Sachindra Singh, Prof and Head of Cardiological Dept. RIMS, Imphal who gave him medical prescription and advised bed rest." Was she then lying? She had neither registered an FIR against the abduction nor informed the Court about it. Moreover, how could KNA abduct such a high profile person and took him to Myanmar without being detected by any of the several check posts on the way? Many could not believe this story.

A press release was sent to some presses *via* social media under the title 'Apropos to the news item issued by IFP on 28th February 2020.' Released in the name of KNO/KNA (Burma) @ Eastern Zalengam, it refuted the story of kidnapping; "KNA (Burma) Eastern Zalengam operates only within Kuki territory of Myanmar, and it is well known fact that Mr. Lhukhosei Zou is over ground worker of KNA-India, who is protected by soldiers of KNA-India in Moreh. So, how can Myanmar based revolutionary group cross one of the most protected border and abduct foreign national into Myanmar soil. ... that, [*he*] was never abducted by any of our operatives in Myanmar, it was only with his whims Mr. Lhukhosei @Sheshei Zou hide himself from Indian authority taking refuge in Myanmar by giving some amount as a tax to Myanmar authority." The authenticity of this news could not be verified. As a result, Manipur based newspapers did not print it. But such a report added to the doubtfulness about the validity of the story of the kidnapping.

At the same time, a perplexing situation was arising in the course of the bail hearing procedure. There was a suspicion about an alleged diplomatic and political maneuvering to let loose the

accused. The fear sounds logical for one reason. It so happened that when the judge, on 20th April, enquired about the health status report of Lukhosie, the Superintendent of Manipur Central Jail replied on 24th; "due to current Lockdown and the closure of OPDs in Government referral hospital for Manipur Central Jail, i.e. JNIMS, this office is facing difficulties in treating such major ailments which may need intervention of surgeons." The Medical Officer of Manipur Central Jail also wrote, "it would be better for him [*Lhukhosie*] to get treatment from a well-equipped health institute, outside the jail." These responses are considered biased and deliberately cooked up to influence both the sentiment and conscience of the judge to grant bail. This is considered just a tip of the enormous iceberg of backdoor diplomacy, bribery, and an unholy alliance of vested groups. Memorandum No. 10(11) Spl. P.P. /NDPS/ 2020/3, dated 12th May 2020, Communication from the Office of the Spl. P.P. (ND&PS) Manipur, addressed to the Superintendent of Police, NAB, Imphal, Manipur cautioned, "It may be mentioned that this case being one of the most-high profile sensational cases involving high profile politician and as such there is a huge pending scandal about attempt to remove the charge sheet from Court." The S.P. of NAB, vide Memo No. 6/9/2017-NAB, dated 13th May 2020, addressed to the Additional Director General of Police (Prison), requested, "for arranging the treatment of the UTP Lhukhosei Zou at the State expense and to furnish an undertaking to that effect on or before 15th May 2020." A section of people curiously studied the situation and to discourage if there were manipulative efforts to obtain a bail.

Conclusion

No one likes to be a prisoner, no matter what she or he is. It is quite natural that an undertrial prisoner tries with all means to prove innocence and to be granted bail. It is his/ her legitimate civil rights to apply for bail. It is the jail authority's responsibility to provide him/ her with security and medical facilities in case of suffering from chronic diseases. At the same time, criminals must admit their crimes, and they must be held accountable for it. They must realize the gravity of the situations they have inflicted upon society because of their vested interest and pervading deeds. It is the responsibility of society to discourage crime and punish criminals.

Lhukhosie is just one of the hundreds of under trial prisoners booked under the ND&PS Act 1985. Drug smuggling and peddling are blots to society. Over the decades, thousands have been convicted of drug smuggling and peddling. Unknown kingpins are possibly living splendid livelihood pursuing drug business. On some occasions, owners of vast consignments of drugs could not be identified due to political and bureaucratic maneuvering. Police who played a key role in the arrest of such consignment were suddenly transferred. Drugs under police custody were allegedly replaced with sawdust. Police failed to submit charge sheet against an accused in time. All these have negative impacts on society. Drugs have killed thousands and have caused health breakdown and impoverishment. Drug-related crimes are widespread. Drug menace is taking a significant toll on the lives of the people. There cannot be any retreat from the 'war against drug.' Those who collude with drug kingpins must be exposed, and they must not enjoy any respectable place in society. Empower and give rewards to the frontline activists and law enforcing forces who are sincerely fighting the war against drug. Let's root out this dangerous drug business. At the same time, under trial prisoners must enjoy civil rights without causing obstruction to the due process of law. Let fair trial and justice prevail.

###