

**HIGH COURT OF TRIPURA
AGARTALA
B.A.No.66 of 2025**

Sri Mantu Yadav,
son of Late Ram Khelavan Yadav,
aged about 55 years,
resident of Baraita, P.S. Gogri Jamalpur,
P.O.Gagri Jamalpur-851203, District-Khagaria, Bihar

---- Accused Person(s)

The accused person being lodged in judicial custody,
the present petition is preferred and presented by
the wife of accused person, namely,

Smt. Mulha Devi,
wife of Mantu Yadav,
aged about 50 years,
resident of Baraita, P.S. Gogri Jamalpur,
P.O. Gogri Jamalpur-851203, District-Khagaria, Bihar

----Applicant(s)

Versus

The State of Tripura

----Respondent(s)

For Applicant (s)	:	Mr. Sankar Lodh, Adv. Mr. Subham Majumder, Adv.
For Respondent(s)	:	Mr. Raju Datta, P.P.

HON'BLE MR. JUSTICE BISWAJIT PALIT

Order

11/08/2025

This bail application under Section 483 of BNSS is filed for granting bail to the accused Mantu Yadav who is lodging in jail in connection with Agartala GRPS Case No.3/2025 under Section 20(b(ii)(c)/29 of NDPS Act.

[02] Heard Learned counsel, Mr. Sankar Lodh appearing on behalf of the accused in custody and also heard Learned P.P., Mr. Raju Datta representing the State-respondent. As ordered earlier, we have received the record from the Learned Trial Court and also Learned P.P. has produced the Case Diary.

[03] At the time of hearing, Learned counsel for the accused in custody, Mr. S. Lodh drawn the attention of this Court that the present accused is lodging in jail w.e.f.12.01.2025 and by this time, the IO has laid charge sheet

against the present accused in custody and another and the case is now posted for discussions on framing of charge. Learned counsel further drawn the attention of this Court referring the contents of the FIR and submitted that the prosecution in this case could not make out any case to detain the accused in jail custody and furthermore, at the time of arrest no ground of arrest was communicated to the accused.

[04] He also drawn the attention of the Court referring the order dated 18.07.2025 delivered by Learned Special Judge Court No.1, West Tripura, Agartala and submitted that the Learned Special Judge also over looked the observation of the Hon'ble Supreme Court of India in **Vihaan Kumar versus State of Haryana and Another** reported in **(2025) 5 SCC 799** which was not permissible in the eye of law because the decision of the Supreme Court is binding upon all Courts across the country. He further submitted referring different paras of the judgment in **Prabir Purkayastha versus State (NCT of Delhi)** reported in **(2024) 8 SCC 254** and submitted that no grounds of arrest was communicated to the accused and as such, in view of law laid down by the Hon'ble Apex Court the accused is required to be released on bail.

[05] Learned counsel for the accused in custody again drawn the attention of the Court referring notice issued to the accused under Section 50 of NDPS Act and submitted that on bare perusal of the same it would be crystal clear that the requirement of Section 50 was not complied with by the IO.

[06] Learned counsel for the accused in custody further drawn the attention of the Court referring the arrest memo annexed with the bail application and submitted that from the arrest memo, it is clear that the grounds of arrest was not communicated to the accused in custody. So, in summing up his submission, Learned counsel urged before the Court for releasing the accused on bail in any condition.

[07] On the other hand, Learned P.P. appearing on behalf of the State-respondent strongly opposed the submission made by Learned counsel, Mr. S. Lodh and submitted that from the contents of the FIR it appears that the grounds

of arrest was duly communicated to the accused and his family members. He further submitted that the contraband item were directly seized from the possession of the accused on the relevant date and time. It was further submitted that from the arrest memo it will be found that the copy of the same was furnished to the accused and the ground of arrest as per arrest memo was duly communicated to the wife of the accused. As such, at this stage, there is no scope on the part of the accused to take the plea that the accused was not duly informed the ground of his arrest.

[08] Referring the contents of the case diary, Learned P.P. submitted that there is direct allegation against the present accused in custody and if at this stage, he is released on bail, then there is every possibility of the accused to abscond and there will be very least scope to complete the trial. He also made another alternative submission that considering the nature of the prosecution allegation, a direction may be given to the Learned Trial Court to complete the trial as expeditiously as possible on the ground that the accused is lodging in jail.

[09] I have heard detailed argument of both the sides and perused the relevant prosecution papers. In this case the fact of the prosecution was in short is that on 11.01.2025 ASI Bimal Nama laid an FIR to O/C GRP, Agartala alleging inter alia that on that day at about 20:05 hrs. he received information that a person was carrying contraband items through the train bearing No. 15626 Up Deogarh express for Agartala Rly Station and accordingly he reduced the information into D.D vide RPF/Post/Agartala DD/Entry No.33 time 20:10 hrs. and the matter was immediately informed to Inspector Tapas Das and side by side the matter was also informed to RPF/AGTL as well as OC/GRP/AGTL for assistance in course of conducting raid and search. After that the informant along with staff left for Agartala Railway station PF No.1 and made ambush/Naka and in course of Naka at about 20:05 hrs. the noticed that one person was coming towards platform no.01 through the parcel gate of Agartala Railway Station in suspicious manner with two numbers of bags in his possession. On suspicion the person was detained for verification at the spot. Soon after that Inspector Tapas

Das, O/C AGT GRPS also reached to the place of occurrence and joined the proceeding as a Gazetted officer. On interrogation he disclosed his name as Mantu Yadav and started giving contradictory and unsatisfactory statements regarding his presence at Agartala Railway station PF No.1 near public toilet. Finally, he admitted that he was carrying contraband goods in his trolley and bags. Thereafter following due process, he himself offered to be searched in presence of witnesses, notice under Section 50 of NDPS Act was also served upon him after observing all formalities. After that search was conducted on his sky colour trolley bag, and blue colour bag and in course of search seven numbers of dry Ganja packets were recovered from the possession of accused Mantu Yadav and after checking it was found that 22 kgs. 625 gm. suspected dry ganja was kept inside the bag. The seizure memo was prepared after observing all formalities. Thereafter, the accused was taken into custody and he was brought to RPF post Agartala along with the contraband ganja and his legal rights were explained to him. This is the sum and substance of the FIR laid by Bimal Nama.

[10] It is on record that the present accused was produced under arrest before the Court of Learned Special Judge on 12.01.2025 along with a forwarding report and arrest memo. In the forwarding report it was submitted by IO that the grounds of arrest was duly communicated to the accused and his family members. On perusal of arrest memo it appears that the grounds of arrest was communicated to the wife of the accused and copy of the same was supplied to the accused after obtaining his signature. By this time, the IO has laid charge sheet against the present accused and another and the case is now posted for discussions on framing of charge. Here in the case at hand, I have heard detailed submission of both the sides. At the time of hearing, Learned counsel, Mr. S. Lodh appearing on behalf of the accused in custody referred the provision of Section 47 and 48 of the BNSS. For the sake of conveniences, let us refer herein below the said provisions of law for better understanding :

"47. Person arrested to be informed of grounds of arrest and of right to bail.-(1)Every police officer or other person arresting any person without warrant shall forthwith communicate to him full particulars of the offence for which he is arrested or other grounds for such arrest.

(2)Where a police officer arrests without warrant any person other than a person accused of a non-bailable offence, he shall inform the person arrested that he is entitled to be released on bail and that he may arrange for sureties on his behalf.

48. Obligation of person making arrest to inform about arrest, etc., to relative or friend.-(1)Every police officer or other person making any arrest under this Sanhita shall forthwith give the information regarding such arrest and place where the arrested person is being held to any of his relatives, friends or such other persons as may be disclosed or nominated by the arrested person for the purpose of giving such information and also to the designated police officer in the district.

(2)The police officer shall inform the arrested person of his rights under sub-section (1) as soon as he is brought to the police station.

(3)An entry of the fact as to who has been informed of the arrest of such person shall be made in a book to be kept in the police station in such form as the State Government may, by rules, provide.

(4)It shall be the duty of the Magistrate before whom such arrested person is produced, to satisfy himself that the requirements of sub-section (2) and sub-section (3) have been complied with in respect of such arrested person."

[11] I have gone through the aforesaid provisions of law and also perused the relevant prosecution papers. It appears to this Court that before arrest, the IO conducted search where the signature of the accused was taken. He was served notice under Section 50 of NDPS Act and in presence of gazetted officer, the proceeding was conducted obtaining signature of the accused, he was informed the grounds of his arrest to his family members and copy of arrest memo was supplied. Even in seizure list his signature was taken as possessor of contraband items. Immediately, on production before the Court, he was defended by Learned Legal Aid Counsel who conducted the case on his behalf. The case finally ended in filing of charge sheet by IO involving the present accused and another. It is the settled position of law that every case will proceed according to its own merit. Recently, Hon'ble the Supreme Court of India in **Kasireddy Upender Reddy versus State of Andhra Pradesh and Others** reported in **2025 SCC OnLine SC 1228 decided on 23.07.2025** in para No.36 observed as under :

"36. If a person is arrested on a warrant, the grounds for reasons for the arrest is the warrant itself; if the warrant is read over to him, that is sufficient compliance with the requirement that he should be informed of the grounds for his

arrest. If he is arrested without a warrant, he must be told why he has been arrested. If he is arrested for committing an offence, he must be told that he has committed a certain offence for which he would be placed on trial. In order to inform him that he has committed a certain offence, he must be told of the acts done by him which amounts to the offence. He must be informed of the precise acts done by him for which he would be tried; informing him merely of the law applicable to such acts would not be enough."

I have also gone through the said citation.

[12] Here in the case at hand, from the facts and circumstances of this case and the materials so far collected by IO it appears that there was no ground to disbelieve that the present accused in custody had no knowledge of possessing of such contraband items which was seized from his possession. It was not the case of the defence that accused was not given any opportunity to engage any lawyer to defend in this case. It is also not the case of the accused that his family members were not informed. So, considering the materials on record it appears that the grounds of arrest were duly communicated to the accused.

[13] As such, at this stage I find no scope to consider the bail application filed by the accused. Accordingly, the bail petition filed on behalf of the accused stands rejected. The accused is to remain in jail custody as before. Learned Trial Court is to dispose of the case giving top priority keeping it in mind that the accused is lodging in jail.

Send down the record of the Learned Trial Court along with a copy of this order. Also send down the case diary to IO through Learned P.P. along with a copy of this order.

With this observation the bail application stands disposed of.

JUDGE

MOUMITA
A DATTA

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MOUMITA DATTA
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