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**IN THE HIGH COURT OF MANIPUR
AT IMPHAL**

**Crl.Rev.P. No. 1 of 2026 with
MC(Crl.Rev.P.) No. 1 of 2026 with
MC(Crl.Rev.P.) No. 2 of 2026**

State of Manipur

....Petitioner/s

Vs.

Letminthang Haokip

....Respondent/s

**BEFORE
HON'BLE MR. JUSTICE A. GUNESHWAR SHARMA**

ORDER

29.01.2026

[1] This matter is taken up as a Special Bench has been constituted by the Hon'ble Chief Justice for hearing the new urgent Crl.Rev.P. No. 1 of 2026 at 9:00 p.m. by VC hearing.

[2] MC(Crl.Rev.P.) No. 2 of 2026 is an application for exemption: Learned A.G. submits that Crl.Rev.P. No. 1 of 2026 is filed without certified copy of the impugned order dated 29.01.2026 due to the urgency involved in the matter and submitted that a certified copy will be filed after the certified copy is received from the concerned Court.

[3] The prayer is allowed.

[4] Heard Mr. Lenin Hijam, learned A.G. appearing along with Mr. S. Niranjana, learned PP on behalf of the State petitioner.

[5] The petitioner is aggrieved by an order dated 29.01.2026 passed by the Ld. CJM, Churachandpur in connection with FIR No. 08(01)2006 Churachandpur PS U/S 18(b), 60(3) NDPS Act, thereby releasing the accused on bail.

[6] The accused person/respondent was arrested in connection with the above mentioned FIR on 28.01.2026 at 2:00 p.m. near Bethesda School of Nursing Home road junction, Khokon Village, Churachandpur and from his possession, 36.054 kgs of opium was recovered and one Bolero bearing registration No. MN02B5609 was seized. The accused was produced before the Ld. CJM on 29.01.2026 at 1: p.m. with remand prayer for police custody of 8 (eight) days. However, relying on the decision of the Hon'ble Supreme Court in the case of Mihir Rajesh Shah vs. State of Maharashtra & Anr. Reported as (2025) INSC 1288: Criminal Appeal No. 2195 of 2025 to the fact that the ground of arrest in

writing was not intimated to the arrestee, the accused was released on bail. In para 2 of the order dated 29.01.2026, it is recorded that the I.O. submitted that the ground of arrest was communicated orally and the same was not furnished to the accused in writing. In the circumstances, the accused was released on bail and in the event of unable to furnish requisite bond, he was remanded to judicial custody for 15 days.

[7] Learned A.G. submitted that Ld. CJM has wrongly recorded that written ground of arrest has not been furnished to the accused and this is factually incorrect.

[8] During the course of hearing, Ld. A.G. screenshared a document furnishing the information for ground of arrest to the accused through his wife duly acknowledged on 28.01.2026 for unauthorized possession of contraband substance.

[9] Ld. A.G. has pointed out that Ld. CJM has failed to appreciate the information about the ground of arrest furnished to the accused through his wife on 28.01.2026. It is submitted that the ratio of the Honb'le Supreme Court judgement in the case of Mihir Rajesh Shah (supra) will not be attracted. Another ground raised by the Ld. A.G. is that the Ld. CJM has no power to release the accused involved in the commercial quantity in bail in violation of Section 37 of the NDPS Act.

[10] Issue notice to the respondent.

[11] Petitioner is directed to take step by dasti service.

[12] Ld. A.G. has also submitted that the impugned order dated 29.01.2006 be stayed as the same has been passed on non-appreciation of the fact that the ground of arrest was furnished to the accused through his wife and his wife acknowledged by putting thumb impression on 28.01.2026. Even if the memo of arrest and ground of arrest and other documents are not on record, the same have been screenshared by Ld. A.G. during the course of hearing.

[13] This Court is of the view that recording of non-furnishing of written ground of arrest seems to be contrary to the material before the remand court. The impugned order dated 29.01.2026 passed by the Ld. CJM, Churachandpur releasing the accused/respondent on bail is suspended till 02.02.2026 and he will be in police custody till 02.02.2026.

[14] On 02.02.2026, the accused be produced before the Ld. Special Judge (NDPS), Churachandpur for further proceeding and Ld. Special Judge may pass appropriate order as per rule, notwithstanding the pendency of the present petition before this Court.

[15] It is clarified that the present petition is confined to examine whether the written ground of arrest was furnished to the accused or not. Pendency of the present case, shall not affect the proceeding before the Special Court (NDPS), Churachandpur in connection with the present FIR. Call for photocopy of the complete

record of the first remand proceeding before the Ld. CJM, Churachandpur.

[16] List this case on **16.02.2026**.

[17] Furnish a copy of this order to the learned counsel appearing for the parties. Send a copy of this order to the Ld. CJM, Churachandpur and Ld. Special Judge (NDPS), Churachandpur for information.

JUDGE

Kh. Joshua Maring