

**HIGH COURT OF TRIPURA
AGARTALA**

B.A. No.04 of 2026

Mulha Devi,

W/o- Sri Mantu Yadav,
Aged about 50 years,
Resident of Baraita, P.S.- Gogri Jamalpur,
P.O.- Gogri Jamalpur-851203,
District- Khagaria, Bihar.

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

Sri Mantu Yadav,

S/o- Late Ram Khelavan Yadav,
Aged about 55 years,
Resident of Baraita, P.S.- Gogri Jamalpur,
P.O.- Gogri Jamalpur-851203,
District- Khagaria, Bihar

---- Accused Person(s)

Versus

The State of Tripura

-----Respondent(s)

For Petitioner(s)	: Mr. Sankar Lodh, Adv.
For Respondent(s)	: Mr. Raju Datta, P.P.
Date of Hearing	: 30.01.2026
Date of delivery of Judgment and Order	: 02.02.2026
Whether fit for Reporting	: YES

HON'BLE MR. JUSTICE BISWAJIT PALIT

Judgment & Order

This bail application under Section 483(1)((b) of BNSS is filed for releasing the accused-in-custody on bail in connection with GRPS case No.003 of 2025 under Section 20(b)(ii)(c)/29 of NDPS Act corresponding to Special (NDPS) 95 of 2025 now pending before the Court of Learned Special Judge, West Tripura, Agartala.

02. Heard Learned Counsel, Mr. S. Lodh appearing on behalf of the accused-in-custody and also heard Learned P.P., Mr. R. Datta appearing on behalf of the State-respondent.

03. Taking part in the hearing, Learned Counsel drawn the attention of the Court that earlier on behalf of this accused another bail application was moved to this Court which was registered as B.A. No.66 of 2025 and by order dated 11.08.2025 the bail application filed was rejected by this Court. It was further submitted that the case is at the stage of now recording of evidence and upto this stage, three numbers of witnesses have examined by the prosecution out of 16 numbers of witnesses. Learned Counsel, Mr. Lodh further submitted that although his bail application was rejected by this Court, but there is no legal bar to file successive bail application for releasing of the accused on bail. In this regard Learned Counsel referred one citation of the Hon'ble Apex in **Kalyan Chandra Sarkar vs. Rajesh Ranjan alias Pappu Yadav & Anr.** reported in **(2005) 2 SCC 42**, wherein in para No.19, the Hon'ble Apex Court observed as under:

"19. The principles of res judicata and such analogous principles although are not applicable in a criminal proceeding, still the courts are bound by the doctrine of judicial discipline having regard to the hierarchical system prevailing in our country. The findings of a higher court or a coordinate Bench must receive serious consideration at the hands of the court entertaining a bail application at a later stage when the same had been rejected earlier. In such an event, the courts must give due weight to the grounds which weighed with the former or higher court in rejecting the bail

application. Ordinarily, the issues which had been canvassed earlier would not be permitted to be reagitated on the same grounds, as the same would lead to a speculation and uncertainty in the administration of justice and may lead to forum hunting."

Referring the same, Learned Counsel submitted that in view of the principle of law laid down by the Hon'ble Apex Court in the aforementioned case there was observation that the issues which had been canvassed earlier would not be permitted to be re-agitated on the same grounds as the same would lead to a speculation and uncertainty in the administration of justice and may lead to forum hunting. But later on the situation has been changed and thereafter, Hon'ble the Supreme Court in another case reported in **Lt. Col. Prasad Shrikant Purohit vs. State of Maharashtra** reported in **(2018) 11 SCC 458**, wherein in para No.30, the Hon'ble Apex Court observed as under:

"30. Before concluding, we must note that though an accused has a right to make successive applications for grant of bail, the court entertaining such subsequent bail applications has a duty to consider the reasons and grounds on which the earlier bail applications were rejected. In such cases, the court also has a duty to record the fresh grounds which persuade it to take a view different from the one taken in the earlier applications."

Referring the same he submitted that in view of the subsequent observation of the Hon'ble Apex Court, there is no bar on the part of the accused-in-custody to apply for fresh bail on fresh grounds which persuade it to take a view different

from the one taken in the earlier application and accordingly, this present bail application has been filed.

Learned Counsel, Mr. Lodh thereafter submitted that in this case no grounds of arrest were communicated to the accused in writing as mandated in Sections 47 and 48 of BNSS, 2023. For the sake of convenience, let us reproduce herein below the provision of **Sections 47 and 48 of BNSS** which are as follows:

"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 nonbailable 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."

Referring Section 47, Learned Counsel drawn the attention of the Court that 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. But in the given case, no such ground of arrest was communicated to the accused-in-custody for which the arrest was illegal and the accused is liable to be released henceforth. It was further submitted that Section 48 also casts another responsibility upon the arresting authority to inform such arrest to any of the relatives, friends or such other persons as may be disclosed or nominated by the arrested persons. But here in the case at hand, the prosecution submitted before the Court that the wife of the accused was informed and even, if, it is assumed that the requirement of Section 48 has been complied with but prosecution has failed to prove that the grounds of arrest have been communicated in writing to the accused for which the arrest has become illegal. In support of his contention, Learned Counsel further relied upon another citation of the Hon'ble Supreme Court of India reported in **Ahmed Mansoor & Ors. vs. State Rep. by, Assistant Commissioner of Police & Anr.** reported in **(2025) SCC OnLine SC 2650**, wherein in para Nos.3, 5, 6, 8 and 9, the Hon'ble Apex Court observed as under:

"3. The only issue for consideration in this appeal is as to whether the appellants have been furnished with the grounds of arrest when they were apprehended and, if not, whether an explanation given by the jurisdictional Court at the time of remand, followed by the remand order which indicates that the grounds of arrest were explained, would be in sufficient compliance of Section 43B of the UAPA.

5. The aforesaid position has been reiterated in *Prabir Purkayastha v. State (NCT of Delhi)*, (2024) 8 SCC 254 : (2024) 3 SCC (Cri) 573 as stated under:

"45. We are of the firm opinion that once this Court has interpreted the provisions of the statute in context to the constitutional scheme and has laid down that the grounds of arrest have to be conveyed to the accused in writing expeditiously, the said ratio becomes the law of the land binding on all the courts in the country by virtue of Article 141 of the Constitution of India.

46. Now, coming to the aspect as to whether the grounds of arrest were actually conveyed to the appellant in writing before he was remanded to the custody of the investigating officer.

47. We have perused the arrest memo (Annexure P-7) and find that the same nowhere conveys the grounds on which the accused was being arrested. The arrest memo is simply a proforma indicating the formal "reasons" for which the accused was being arrested.

48. It may be reiterated at the cost of repetition that there is a significant difference in the phrase "reasons for arrest" and "grounds of arrest". The "reasons for arrest" as indicated in the arrest memo are purely formal parameters viz. to prevent the accused person from committing any further offence; for proper investigation of the offence; to prevent the accused person from causing the evidence of the offence to disappear or tampering with such evidence in any manner; to prevent the arrested person for making inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to the investigating officer. These reasons would commonly apply to any person arrested on charge of a crime whereas the "grounds of arrest" would be required to contain all such details in hand of the investigating officer which necessitated the arrest of

the accused. Simultaneously, the grounds of arrest informed in writing must convey to the arrested accused all basic facts on which he was being arrested so as to provide him an opportunity of defending himself against custodial remand and to seek bail. Thus, the "grounds of arrest" would invariably be personal to the accused and cannot be equated with the "reasons of arrest" which are general in nature."

6. In *Vihaan Kumar v. State of Haryana*, this Court, in the supplementing judgment, was pleased to observe as follows:

"3. The purpose of inserting Section 50A of the CrPC, making it obligatory on the person making arrest to inform about the arrest to the friends, relatives or persons nominated by the arrested person, is to ensure that they would be able to take immediate and prompt actions to secure the release of the arrested person as permissible under the law. The arrested person, because of his detention, may not have immediate and easy access to the legal process for securing his release, which would otherwise be available to the friends, relatives and such nominated persons by way of engaging lawyers, briefing them to secure release of the detained person on bail at the earliest. Therefore, the purpose of communicating the grounds of arrest to the detainee, and in addition to his relatives as mentioned above is not merely a formality but to enable the detained person to know the reasons for his arrest but also to provide the necessary opportunity to him through his relatives, friends or nominated persons to secure his release at the earliest possible opportunity for actualising the fundamental right to liberty and life as guaranteed under Article 21 of the Constitution. Hence, the requirement of communicating the grounds of arrest in writing is not only to the arrested person, but also to the friends, relatives or such other person as may be disclosed or nominated by the arrested person, so as to make the mandate of Article 22(1) of the Constitution meaningful and effective failing which, such arrest may be rendered illegal."

8. In *State of Karnataka v. Sri Darshan (supra)* the facts governing are quite different. It was a case dealing with the cancellation of bail where the charge sheet had been filed and the grounds of detention were served immediately. This Court has, in fact, given its approval to the decision in *Vihaan Kumar v. State of Haryana (supra)*. Similarly, in *Kasireddy Upender Reddy*

v. State of Andhra Pradesh (supra), this Court was pleased to hold in para 27 that the object underlying the provision that the grounds of arrest should be communicated has been explained by this Court in Vihaan Kumar v. State of Haryana (supra). Therefore, the law as laid down in Vihaan Kumar v. State of Haryana (supra) has been approved and reiterated in the abovesaid decisions.

9. In such view of the matter, we are inclined to hold that the present appeal deserves to succeed only on the ground that the mandate of furnishing the grounds of arrest at the time of securing the appellants has not been complied with. Therefore, we are not inclined to go into the merits of the case. However, while setting aside the order passed by the High Court and consequently setting aside the order of arrest and remand, we would only say that liberty is granted to the respondents to take recourse to law, to arrest, if a case is made out."

Referring the same, Learned Counsel submitted that in view of the principle of law laid down by the Hon'ble Apex Court in the aforementioned case, the present petitioner requires to be released henceforth.

Learned Counsel again submitted that at the time of hearing, prosecution may rely upon the judgment of the Hon'ble Supreme of India in State of Karnataka vs. Sri Darshan Etc. reported in **(2025) SCC OnLine SC 1702** dated 14.08.2025 but the same issue has been dealt with by the Hon'ble Apex Court in the **Ahmed Mansoor & Ors.** case (*Supra*). So, the same shall have no binding affect in the present matter.

He also submitted another case of Hon'ble Supreme Court of India in **Mihir Rajesh Shah vs. State of Maharashtra & Anr.** reported in **(2026) 1 SCC 500,**

discussed all the issues and in para Nos.47, 51, 55, 56, 62 & 68 Hon'ble the Apex Court observed as under:

"47. Another aspect, which flows from the above discussion and merits consideration is the mode of informing grounds of arrest to the arrested person to effectively serve the intended purpose of Article 22(1) of the Constitution of India. This Court, as observed above, had held that it would not be ideal to read out the grounds of arrest to a person who is arrested, as he may not be in the frame of mind to remember the contents of grounds that are read out to him. The Court underscored that if the authorities are permitted to read out the grounds and claim compliance with the constitutional and statutory mandate, the very purpose of the constitutional protection would be nugatory.

51. On perusal of the above two judgments, it turns out that mere communication of the grounds in a language not understood by the person arrested does not fulfil the constitutional mandate under Article 22 of the Constitution of India. The failure to supply such grounds in a language understood by the arrestee renders the constitutional safeguards illusory and infringes the personal liberty of the person as guaranteed under Articles 21 and 22 of the Constitution of India. The objective of the constitutional mandate is to place the person in a position to comprehend the basis of the allegations levelled against him and it can only be realised when the grounds are furnished in a language understood by the person, thereby enabling him to exercise his rights effectively.

55. This Court is of the opinion that to achieve the intended objective of the constitutional mandate of Article 22(1) of the Constitution of India, the grounds of arrest must be informed to the arrested person in each and every case without exception and the mode of the communication of such grounds must be in writing in the language he understands.

56. It would not be out of context now to refer to an obligation which has been imposed on a person making arrest, as provided under Section 50-A read in relation to Section 50CrPC (now Sections 48 and 47 of BNSS 2023 respectively), to inform the arrestee of his right to indicate his relative, friend or such other person for the purpose of giving information with regard to his arrest. Simultaneously, a duty has also been cast on the person making arrest to forthwith thereafter inform of such arrest with reasons and the place where the arrested person is being held to the such indicated person. The

police officer/person making any arrest shall make an entry of the fact as to who has been informed of such an arrest in a book to be kept in the police station. Further protection in this regard is reflected when a duty has been cast on the Magistrate to satisfy himself, when the arrestee is produced before him, that the above requirement stands complied with. This requirement is in addition to the rights of an arrestee to be made aware of the grounds of arrest.

62. We thus hold, that, in cases where the police are already in possession of documentary material furnishing a cogent basis for the arrest, the written grounds of arrest must be furnished to the arrestee on his arrest. However, in exceptional circumstances such as offences against body or property committed in flagrante delicto, where informing the grounds of arrest in writing on arrest is rendered impractical, it shall be sufficient for the police officer or other person making the arrest to orally convey the same to the person at the time of arrest. Later, a written copy of grounds of arrest must be supplied to the arrested person within a reasonable time and in no event later than two hours prior to production of the arrestee before the Magistrate for remand proceedings. The remand papers shall contain the grounds of arrest and in case there is delay in supply thereof, a note indicating a cause for it be included for the information of the Magistrate.

68. We are cognizant that there existed no consistent or binding requirement mandating written communication of the grounds of arrest for all the offences. Holding as above, in our view, would ensure implementation of the constitutional rights provided to an arrestee as engrafted under Article 22 of the Constitution of India in an effective manner. Such clarity on obligation would avoid uncertainty in the administration of criminal justice. The ends of fairness and legal discipline therefore demand that this procedure as affirmed above shall govern arrests henceforth."

Referring the same, Learned Counsel submitted that although by the said judgment, prospective affect was given but the principle laid down in the same case also may be equally applied in this case.

Learned Counsel further submitted that in the earlier order in connection with case No. **B.A. No.66 of 2025** dated 11.08.2025 in para No.11 this Court observed as under:

"[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.

Referring the same, Learned Counsel submitted that in pursuance of the judgment of the Hon'ble Supreme Court in **Prabir Purkayastha vs. State (NCT of Delhi) (2024) 8 SCC 254, Vihaan Kumar vs. State of Haryana (2025) 5 SCC 799** the grounds of arrest was not communicated in

writing in the language understand by the accused although this Court came to the observation that before arrest the I.O. conducted search where the signature of the accused was taken, he was served notice under Section 50 of the NDPS Act and in presence of Gazetted Officer the proceeding was conducted obtaining signature of the accused and the grounds of arrest was informed to him and his family members and a copy of arrest memo was supplied and even in seizure list his signature was taken. But the observation does not curtails the right of the accused to be released henceforth for non-communication of grounds of arrest in writing in the language understandable by the accused. As such the accused deserves to be released henceforth or to be released on bail in any condition.

It was again submitted by Learned Counsel that as per prosecution in seven separate packets total 22 kg 625 gm was alleged to be recovered from the possession of the accused without any segregation, but as per rules the actual contraband item seized was required to be measured which prosecution has failed to do so in this case and if for any reason after removal of the wrappers, if it is found that the quantum of contraband items is lesser than 20 kgs, in that case the same would come under the category of 'intermediate quantity' and as such the accused shall have the right to be released on bail.

It was further submitted that this present accused is lodging in custody on and from 11.01.2025. So, considering the period of detention of the accused-in-custody the accused is required to be released on bail in any condition.

The submission of Learned Counsel for the accused-in-custody has been refuted by Learned P.P. and submitted that Hon'ble the Supreme Court in *State of Karnataka vs. Sri Darshan Etc.* reported in **State of Karnataka vs. Sri Darshan Etc.**, reported in **2025 SCC OnLine SC 1702**, in para No.20.1.7, observed as under:

"20.1.7. In the present case, the arrest memos and remand records clearly reflect that the respondents were aware of the reasons for their arrest. They were legally represented from the outset and applied for bail shortly after arrest, evidencing an immediate and informed understanding of the accusations. No material has been placed on record to establish that any prejudice was caused due to the alleged procedural lapse. In the absence of demonstrable prejudice, such as irregularity is, at best, a curable defect and cannot, by itself, warrant release on bail. As reiterated above, the High Court treated it as a determinative factor while overlooking the gravity of the charge under Section 302 IPC and the existence of a prima facie case. Its reliance on Pankaj Bansal and Prabir Purkayastha is misplaced, as those decisions turned on materially different facts and statutory contexts. The approach adopted here is inconsistent with the settled principle that procedural lapses in furnishing grounds of arrest, absent prejudice, do not ipso facto render custody illegal or entitle the accused to bail."

Referring the same, Learned P.P. submitted that in view of the principle laid down by the Hon'ble Apex Court even if it is found that the ground of arrest was not communicated in writing to the accused at the time of arrest the same is a

curable defect and cannot by itself, warrant release on bail, since the contraband items recovered was of commercial quantity.

In this regard, Learned Counsel, Mr. S. Lodh submitted that the observation of the aforesaid judgment has been discussed in the **Ahmed Mansoor & Ors(supra)** and this may not be applied in this case.

04. I have perused the judgment in **Ahmed Mansoor & Ors.** In para No.8 Hon'ble the Apex Court came to the observation that the facts governing are quite different. So, in deciding the case, the observation of **State of Karnataka vs. Sri Darshan Etc.(supra)** was not followed by the Hon'ble Apex Court.

Learned P.P. thereafter submitted that no fresh grounds have been projected by the accused in this case in praying for bail and the judgment of **Mihir Rajesh Shah vs. State of Maharashtra & Anr.(supra)** cannot be applied in this case since the same has been given prospective effect. To substantiate his contention, he also relied upon another judgment of the High Court of Himachal Pradesh in **CWP 12201 of 2025** wherein in para Nos.3 and 7 the said High Court observed that the judgment of the Hon'ble Supreme Court of India in **Mihir Rajesh Shah vs. State of Maharashtra & Anr.(supra)** was prospective in nature.

Learned P.P. also relied upon another citation of the Hon'ble Supreme Court of India reported in **State of Maharashtra vs. Captain Buddhikota Subha Rao** reported in **(1990) SCC (Cri) 126**, wherein in para No.7, the Hon'ble Apex Court observed as under:

"7. Liberty occupies a place of pride in our socio-political order. And who knew the value of liberty more than the founding fathers of our Constitution whose liberty was curtailed time and again under Draconian laws by the colonial rulers. That is why they provided in Article 21 of the Constitution that no person shall be deprived of his personal liberty except according to procedure established by law. It follows therefore that the personal liberty of an individual can be curbed by procedure established by law. The Code of Criminal Procedure, 1973, is one such procedural law. That law permits curtailment of liberty of anti-social and anti-national elements. Article 22 casts certain obligations on the authorities in the event of arrest of an individual accused of the commission of a crime against society or the Nation. In cases of undertrials charged with the commission of an offence or offences the court is generally called upon to decide whether to release him on bail or to commit him to jail. This decision has to be made, mainly in non-bailable cases, having regard to the nature of the crime, the circumstances in which it was committed, the background of the accused, the possibility of his jumping bail, the impact that his release may make on the prosecution witnesses, its impact on society and the possibility of retribution, etc. In the present case the successive bail applications preferred by the respondent were rejected on merits having regard to the gravity of the offence alleged to have been committed. One such Application No. 36 of 1989 was rejected by Suresh, J. himself. Undeterred the respondent went on preferring successive applications for bail. All such pending bail applications were rejected by Puranik, J. by a common order on 6-6-1989. Unfortunately, Puranik, J. was not aware of the pendency of yet another bail application No. 995 of 1989 otherwise he would have disposed it of by the very same common order. Before the ink was dry on Puranik, J.'s order, it was upturned by the impugned order. It is not as if the court passing the impugned order was not aware of the decision of Puranik, J.; in fact there is a reference to the same in the impugned order. Could this be done in the absence of new facts and changed circumstances? What is important

to realise is that in Criminal Application No. 375 of 1989, the respondent had made an identical request as is obvious from one of the prayers (extracted earlier) made therein. Once that application was rejected there was no question of granting a similar prayer. That is virtually overruling the earlier decision without there being a change in the fact-situation. And, when we speak of change, we mean a substantial one which has a direct impact on the earlier decision and not merely cosmetic changes which are of little or no consequence. Between the two orders there was a gap of only two days and it is nobody's case that during these two days drastic changes had taken place necessitating the release of the respondent on bail. Judicial discipline, propriety and comity demanded that the impugned order should not have been passed reversing all earlier orders including the one rendered by Puranik, J., only a couple of days before, in the absence of any substantial change in the fact-situation. In such cases it is necessary to act with restraint and circumspection so that the process of the court is not abused by a litigant and an impression does not gain ground that the litigant has either successfully avoided one judge or selected another to secure an order which had hitherto eluded him. In such a situation the proper course, we think, is to direct that the matter be placed before the same learned Judge who disposed of the earlier applications. Such a practice or convention would prevent abuse of the process of court inasmuch as it will prevent an impression being created that a litigant is avoiding or selecting a court to secure an order to his liking. Such a practice would also discourage the filing of successive bail applications without change of circumstances. Such a practice if adopted would be conducive to judicial discipline and would also save the court's time as a judge familiar with the facts would be able to dispose of the subsequent application with despatch. It will also result in consistency. In their view that we take we are fortified by the observations of this Court in para 5 of the judgment in *Shahzad Hasan Khan v. Ishtiaq Hasan Khan* [(1987) 2 SCC 684]. For the above reasons we are of the view that there was no justification for passing the impugned order in the absence of a substantial change in the fact-situation. That is what prompted Shetty, J. to describe the impugned order as 'a bit out of the ordinary'. Judicial restraint demands that we say no more."

Referring the same, Learned P.P. further submitted that the fact, situation has not been changed substantially for

which there remains no merit in this application and as such the same is liable to be dismissed henceforth.

Further, at the time of hearing, Learned P.P. for the State relied upon another judgment passed by a Division Bench of this High Court in **W.P.(CrI) No.06 of 2025** wherein in para Nos.6, 7, 8, 15 & 16 this High Court observed as under:

"[6] For these reasons, the petitioner humbly prays that this Court be pleased to allow the present petition.

[7] On the contrary, Mr. Raju Datta, learned PP appearing for the staterespondent has contended before this court that in the instant case, dry ganja was recovered and duly seized from the house of the accused person. The recovery was effected in the presence of independent witnesses and seizure list was prepared in due compliance with law. Once such contraband substance is found in the possession and control of the accused, his connection with the commission of the offence under the NDPS Act stands prima facie established.

[8] In such circumstances, it is not required under law that the police should separately or formally inform the accused of the grounds of arrest in a mechanical manner, because the very recovery of the contraband from his possession constitutes a clear and sufficient ground. It is deemed understood that where contraband articles like dry ganja are seized from the conscious possession of an individual, the police are empowered to arrest him forthwith. Hence, the arrest of the accused cannot be said to be illegal or arbitrary and requirements of Article 22 (1) of Constitution of India is followed and the arrest is squarely justified by the recovery itself and prayed to dismiss the petition.

[15] In this regard, in Kasireddy Upender Reddy (supra), the Hon'ble Supreme Court reiterated that while the Constitution requires communication of the grounds of arrest, it is not necessary for the authorities to furnish full details of the offence at the stage of arrest. What is required is sufficient information to enable the arrested person to understand why he has been taken into custody, akin in nature to a charge framed at trial, though not containing the entire evidentiary record.

[16] As regards the judgment relied upon by the learned counsel for the petitioner, wherein it was observed that once a violation of Article 22(1) is alleged, the burden shifts upon the State to show effective compliance, this Court is of the view that the said authority is not applicable to the facts of the present case. That judgment dealt with a situation where the very communication of the grounds of arrest was in dispute. In the present matter, however, the grounds of arrest were sufficiently conveyed, and more importantly, the recovery of contraband dry ganja from the house of the accused in his presence itself constituted a clear and tangible ground for his arrest. Thus, the ratio laid down in the said case does not advance the cause of the petitioner and cannot be relied upon by this Court."

Referring the same Learned P.P. submitted that this present case is squarely covers by the aforementioned judgment/order.

05. I have heard both the sides at length. It is undisputed that on 11.08.2025 this Court in B.A. No.66 of 2025 dismissed the bail application filed by the accused. At the time of deciding the bail application, detailed reasons were given why the bail application was rejected. The same needs no repetition herein.

In this case the prosecution case was in short is that on 11.01.2025 ASI, Bimal Nama laid an FIR to O/C GRP alleging inter alia that on that day at about 20:05 hours, he received one information that a person carrying contraband items through the train bearing No.15626 Up Deogarh Express for Agartala Rly Station and accordingly, the same was reduced into writing in the relevant book vide No.33 20:10 hours. The

matter was immediately informed to Inspector Tapas Das and also to the IPF RPF/AGTL as well as OC/GRP/AGT for assistance in course of conducting raid and search. After that the informant along with staff left for AGTL Rly Station PF No.1 and made ambush and in course of Naka at about 20:45 hours when he noticed that one person was coming towards PF No.1 through the parcel gate of AGTL Railway Station in suspicious manner with two number of bags in his possession. The person was detained for verification, by this time, Inspector Tapas Das, O/C Agartala GRP PS reached to the place of occurrence and joined the proceeding as a gazetted officer. On interrogation, the accused disclosed his name as Mantu Yadav and started giving contradictory and unsatisfactory statements regarding his presence in AGTL Rly Station PF No.1, near public toilet. Finally, he admitted that he was carrying contraband goods in the trolley and bag. Thereafter, following due process he himself offered to be searched in presence of witnesses, notice under Section 50 of NDPS Act was 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 kg 625 gm suspected dry ganja was kept inside the bag. The seizure memo was prepared after observing all formalities and the accused was taken into

custody and he was brought to RPF/POST/Agartala along with the seized contraband items and accordingly, the FIR was laid. This is the gist of the prosecution story.

The accused was produced before the Court and all along he was represented by Legal Aid Counsel who conducted the case on his behalf. The accused was informed about the grounds of arrest and his wife also. The submission made by Learned Counsel for the accused-in-custody was discussed threadbare at the time of disposal of the B.A. No.66 of 2025 by order dated 11.08.2025 and the said order still stands good. Nothing new has been projected by the accused to consider his bail application on any new grounds at this stage.

Furthermore, in this case, trial has been commenced. Charge has been framed. The accused has not challenged the order of charge on the ground of non-application of Section 37 of NDPS Act in respect of commercial quantity. So, at this stage, after hearing both the sides and considering the materials on record and based upon the judgments rendered by the petitioner accused-in-custody, I do not find any scope to release the accused on bail at this stage.

06. Accordingly, the bail application filed by the accused-in-custody deserves no consideration and the same is rejected accordingly. The accused is to remain in J/C as before. However, since the accused persons are lodging in jail, so, the

Learned Trial Court shall make all endeavour to dispose of the case within a period of six(6) months from the date of receipt of a copy of this order.

07. Send down the LCR along with a copy of this order to the Learned Trial Court.

Supply a copy of this order to Learned P.P. along with the Case Diary.

With this observation, this present bail application stands disposed of.

JUDGE



सत्यमेव जयते

PURNITA DEB

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Purnita