



Serial No. 01
Supplementary List

HIGH COURT OF MEGHALAYA
AT SHILLONG

BA. No. 24 of 2026

Date of Decision: 06.05.2026

Smti. Laxmi Devi
W/o Shri. Ravi Kumar Gupta
R/o Ward No 24 Chhoti Badalpur, Patna
Bihar,
Presently residing at Rilbong,
Near Shillong Times office,
East Khasi Hills District, Shillong,
Meghalaya-793002.

.... Petitioner

Vs.

1. State of Meghalaya,
Represented by the Secretary and Commissioner,
Home Police Department, Government of, Meghalaya.
2. The Superintendent of Police,
Lumshnong, Khliehriat,
East Jaintia Hills District, Meghalaya.

.... Respondents

Coram:

Hon'ble Mr. Justice W. Diengdoh, Judge

- | | |
|--|--------|
| i) Whether approved for reporting in
Law journals etc.: | Yes/No |
| ii) Whether approved for publication
in press: | Yes/No |

Appearance:

For the Petitioner/Appellant(s) : Mr. S. Pandey, Adv. with
Ms. B. Lyngdoh, Adv.

For the Respondent(s) : Mr. R. Gurung, GA



Mr. H. Kharmih, Addl. PP.
Mr. S.A. Sheikh, GA.

JUDGEMENT AND ORDER (ORAL)

1. This is an application made under Section 483 BNSS read with Section 37 NDPS made by the petitioner herein with a prayer for grant of bail on behalf of her husband, Shri Ravi Kumar Gupta, who was arrested on 23.08.2025 in connection with Lumshnong P.S Case No. 16 (8) 2025, under Section 8(c)/21(b)/27A and 29 NDPS Act.

2. Heard Mr. S. Pandey, learned counsel for the petitioner, who has submitted that on 22.08.2025, an FIR was lodged before the In-charge, Umkiang Police Patrol Post, East Jaintia Hills District by S.I. Rajesh Das, wherein, it was stated that on receipt of credible information that one drug peddler by the name Shri. Niku Roy was travelling from Assam towards Shillong, the vehicle that is, one Tata Sumo No. ML05-J-0381 in which he was travelling, was intercepted at a check post set up for the same, which is located in front of Umkiang Police Patrol Post on the NH-6. On a search being conducted, from the luggage of the said Niku Roy are found a soup boxes containing yellow/orange colour powder suspected to be heroin. On test being conducted, it was confirmed that it was indeed heroin, the same weighing about 23.91 grams.



3. Accordingly, Shri. Niku Roy was arrested and during the period of questioning him, he has revealed that the accused/husband of the petitioner has provided money and resources to support the said trade. On this revelation, the authorities have also arrested the accused/husband of the petitioner, submits the learned counsel.

4. It is the further submission of the learned counsel that there is no proof whatsoever that the accused person in question is involved in the said case, though the primary allegation against him is that he is involved in the financing of the said transaction, the alleged findings of the Investigating Officer (I/O) that the accused/husband of the petitioner had deposited an amount of ₹1,15,000/- (Rupees one lakh fifteen thousand) only, through ATM situated at Laban junction to one person namely, Md. Salim Uddin of Panighat Village, Karimganj in Assam, even, if such deposit is a fact, the same cannot be linked to the alleged purchase of the seized contraband substance nor could such transaction be linked to the co-accused, that is, Shri Niku Roy. Therefore, in such circumstances, the accused/ husband of the petitioner is not guilty of the offence alleged and may be released on bail with any conditions that this Court may deem fit to imposed.

5. The second limb of argument advanced by the learned counsel for the petitioner is mostly on grounds of technical default as far as the process of arrest of the accused/husband of the petitioner is concerned. In this regard, the



learned counsel has submitted that at the time when he was arrested, the accused/husband of the petitioner was served or intimated of the grounds of arrest. Leading this Court to Annexure-II, at page 79 of this petition which is the copy of such intimation, the learned counsel has submitted that a perusal of the same, would show that it is a pre-arranged format or template, wherein is listed a number of entries, as supposed grounds of arrest, most of which are not relevant to the facts and circumstances of the case of the accused/husband of the petitioner and what has been tick marked, said to be applicable to the accused herein is the alleged ground that he has been suspected of being involved in cognizable offence punishable with imprisonment for a term that may extent to more that 7(seven) years. However, there is no detailed information of the reasons he was actually arrested for. Therefore, without any clear intimation of the grounds of his arrest, the same also not provided in writing in a language understood by the accused herein, there has been a clear violation of the provision of Article 22(1) of the Constitution.

6. Mr. R. Gurung, learned GA, while opposing the submission and contention raised by the learned counsel for the petitioner, has submitted that the contention that the accused/husband of the petitioner could not have been impleaded in the case merely on the statement of co-witness is not correct since records would reveal that on the basis of the statement of the co-accused (Niku



Roy) about the involvement of the accused/husband of the petitioner, this has led to the discovery of the fact that the accused/husband of the petitioner has financed the transaction, investigation having revealed that he along with the co-accused were found entering an ATM on 17.08.2025 situated at Laban, Shillong. The said accused person were seen depositing cash at the said ATM, such money being the resources to support the said illegal trade. As such, the provision of Section 27 of the Indian Evidence Act, 1872, being attracted. In such a situation, the complicity of the accused/husband of the petitioner cannot be ruled out, submits the learned GA.

7. As to the contention that the accused/husband of the petitioner has not been intimated of the grounds of arrest, the learned GA has submitted that this cannot be a ground for grant of bail, inasmuch as, the accused person, apart from having been intimated of the grounds of arrest, he is very much aware of such facts, since copy of the charge sheet had been handed over to him, also the fact that he has made several applications for grant of bail, he is aware of the provisions of the offence alleged against him. Thus, no prejudice has been caused to him.

8. In support of this contention the learned GA, has referred to the case of **Shri. Ronaldo Khongwir v. State of Meghalaya**, wherein vide order dated 26.02.2026, in BA No. 6 of 2026, this Court, at para 13 of the same relying in



the case of **State of Karnataka v. Sri. Darshan 2025 SCC Online 1702**, has held that records showing that the accused person therein has received copy of such intimation when the same has been addressed to him, and also that no prejudice would be caused to him at that particular stage of the proceedings, has rejected the prayer made therein. In this present case, the accused/husband of the petitioner has also received copy of such intimation of grounds of arrest on 23.08.2025, therefore, it cannot be said that he is prejudiced by the same. This petition being devoid of merits, the same is liable to be rejected, further submits the learned GA.

9. This Court has given considerable thought to the submission of the learned counsels for the parties. The case against the accused/husband of the petitioner is primarily one under Section 27A of the NDPS Act, that is, that he is involved in the financing of the transaction of contraband substance (heroin), wherein he and his accomplice were found to have deposited cash at an ATM on 17.08.2025.

10. From the charge sheet, it is seen that the I/O has noted his observation that the accused person has deposited this cash which amounts to ₹1,15,000/- (Rupees one lakh fifteen thousand) only, through the said ATM, the same being done so into the account of Md. Salim Uddin. There is nothing shown in the investigation process about the involvement of the said Md. Salim Uddin as far



as the case of the accused persons is concerned. There is also no concrete evidence in whatever form to prove that such money deposited was for financing of the said illegal transaction. Though, it would be incumbent upon the prosecution to adduce cogent and substantial evidence to make out their case in course of trial, prima facie, this Court is satisfied that there are reasonable grounds for believing that the accused/husband of the petitioner is not guilty of the offence alleged, this being solely for the purpose of satisfaction of the provision of Section 37 of the NDPS Act.

11. As to the reliance of the learned GA on the applicability of the provision of Section 27 of the Evidence Act, it need not be reminded that eventually, the statement of a co-accused would not merit substantive evidence against another co-accused at the trial, which is the case herein.

12. Without proceeding further on the other grounds of contention raised, that is, on the issue of whether there was proper or improper intimation of the grounds of arrest upon the accused/husband of the petitioner and the case laws cited by the rival counsels for the parties, which would be irrelevant to discuss herein, suffice it to say that having come to a decision that the accused husband of the petitioner is prima facie not involved in the case, dwelling at length on this issue, would be academic and a futile exercise. At this stage, as far as the prayer for bail is concerned, the same has to be considered.



13. Accordingly, the prayer made in this petition is allowed. The accused/husband of the petitioner is to be released on bail forthwith on the following conditions:

- i) That he shall not abscond or tamper with the evidence or witnesses;
- ii) That he shall attend court as and when called for;
- iii) That he shall not leave the jurisdiction of Meghalaya, except with due permission of the court concerned; and
- iv) That he shall bind himself on a personal bond of ₹ 50,000/- (Rupees fifty thousand) with two local sureties of like amount to the satisfaction of the Trial Court.

14. In view of the above, this petition is disposed of accordingly. No costs.

Judge