



Serial No. 08
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

BA No. 31 of 2026

Date of Decision: 29.06.2026

Shri. Sapan Chakma
Son of Shri Rajumani Chakma
Of Village-Nalkata, P.S- Pecharthal Unakoti, West Tripura
Presently in District Prison & Correctional Home, Nongpoh

...Petitioner

-Versus-

State of Meghalaya
Represented by its Commissioner & Secretary, (Home),
Shillong.

...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. Pandit, Adv.
Ms. S.D. Sangma, Adv.

For the Respondent(s) : Mr. H. Abraham, GA

JUDGEMENT AND ORDER (ORAL)

1. Heard Mr. S. Pandit, learned counsel for the petitioner who has submitted that this bail application has been preferred by the petitioner with a prayer for grant of bail in connection with Umiam P.S. Case No. 64(07) 2024 under Section 8(c)/20(b)(ii)(C)/25/29 NDPS Act. The learned counsel



has submitted that the petitioner is a driver by profession and the police in course of investigation, on the recovery and seizure of contraband substance, namely, Ganja from two vehicles bearing registration No. TR04/D-1909 and TR04/D-1920 has arrested the petitioner on suspecting him to be involved in the said case. In course of investigation, the charge sheet was filed wherein the name of the petitioner has figured as one of the accused persons who was involved in the case and he was directed to stand trial to face the offence under Section 8(c)/20(b)(ii)(c)/25/29 of the NDPS Act.

2. In due course, charges under the relevant provision of the NDPS Act was also framed against the petitioner on 03.07.2025 and at present the trial is proceeding with seven out of fourteen witnesses examined and discharged accordingly. The learned counsel has however submitted that the only ground raised in this petition as far as the prayer for grant of bail is concerned is that the accused/petitioner at the time of his arrest on 24.07.2024 was never effectively served with the intimation of grounds of arrest. As such, his right having been violated he is therefore, entitled to be enlarged on bail.

3. In this connection, the learned counsel has preferred to a number of authorities, particularly to the case of Vihaan Kumar v. State of Haryana & Anr. reported in (2025) 5 SCC 799, para 26, 26.1, 26.2, 26.3, 26.4, 26.5 and 26.6 and also in the case of Labius Areng v. State of Meghalaya, para 20, 21 and 28 in BA No. 9 of 2026 passed by this Court on 23.03.2026. The case of Smti. Shipra Deb v. the State of Meghalaya & Anr., para 8 of BA No. 22 and 23 of 2026 was also referred wherein this Court vide order dated 15.05.2026 in the said para has referred to the authority in the case of Mihir Rajesh Shah v. State of Maharashtra, (2026) 1 SCC 500, para 66.



4. It is the submission of the learned counsel that in all the authorities cited herein above what is apparent is that the accused/petitioner has not been effectively served or intimated of the grounds of arrest in the language known to him inasmuch as whatever format that was served has been made under the caption '*intimation of grounds of arrest*' was in English which language is not known to him as his is conversant only in Hindi, Bengali and Tripuri as is found in the entry of the memorandum of arrest. In view of the above, it is prayed that the accused petitioner may be allowed to go on bail with any conditions that this Court may deem fit and proper to impose.

5. Mr. H. Abrahma, learned GA appearing for the State respondent has strongly objected to the prayer made on the ground that the offence involved are very serious in nature involving seizure of contraband substance (ganja) of commercial quantity. The accused/petitioner having been apprehended and arrested from the place of occurrence suspected to be one of the drivers of the two vehicles which was seized and from which vehicle the said contraband substance was discovered, therefore his involvement in the crime cannot be ruled out and for this reason he was accordingly made to stand trial.

6. It is also the submission of the learned GA that the ground of arrest has been effectively conveyed to the accused/petitioner and not only to him but also the one of his relatives namely his mother who was informed of the same. Under the circumstances, at this stage of the trial the accused/petitioner may not be released on bail, further submits the learned GA.

7. This Court has carefully considered the submission made and has also gone through the case diary which was produced by the learned GA as well as the relevant papers incorporated with this petition. It is true that a



perusal of the format in template form which is more or less a check list listing a number of entries therein, the same being based as the ground of arrest, nothing is shown as to the specific allegations made against the accused person qua his involvement. If one goes by the tick marks in the said format, in one of the grounds cited is that the arrestee is said “to have escape or attempted to escape from custody”. In the opinion of this Court, it is not a true and correct projection of what grounds of arrest should indicate.

8. The Supreme Court in the case of Vihaan Kumar(supra) at para 26.2 has clearly held as under:

“26.2. The information of the grounds of arrest must be provided to the arrested person in such a manner that sufficient knowledge of the basic fact constituting the grounds is imparted and communicated to the arrested person effectively in the language which he understands. The mode and method of communication must be such that the object of the constitutional safeguard is achieved;”

9. In the case of Mihir Rajesh Shah(supra) the Supreme Court has also clearly held that the grounds of arrest must be communicated in writing to the arrestee in the language he/she understands. Considering the fact that the accused/petitioner has indicated that he does not understand English therefore it would have been proper for the investigating officer to have communicated the alleged grounds of arrest to the accused/petitioner in the language known to him that is, either Hindi, Bengali or Tripuri. Nothing has been indicated in the said communication to fulfil this condition.

10. Though the learned GA has made a faint attempt to overcome this impediment by submitting that the accused/petitioner is aware or is conversant with the English language inasmuch as he is concerned, since



he has sworn the affidavit in this petition to indicate as such, considering the fact that the averments in this petition were written in English, this contention cannot be accepted for the reason that it is obviously the counsel of the petitioner who has prepared the said petition, contents of the same may have been read out to the said petitioner.

11. Be that as it may, having observed that the accused/petitioner has not indeed been legally and formally intimated of the proper grounds of arrest, this Court is constraint to allow the prayer made herein.

12. Accordingly, the petitioner is hereby directed to be released on bail on the following conditions:

- i. He shall not abscond or tamper with any evidence or witnesses;
- ii. He shall appear before the court as and when called for;
- iii. He shall not leave the jurisdiction of Meghalaya during pendency of investigation or trial without prior permission from the concerned court;
- iv. He shall bind himself on a personal bond of ₹ 50,000/- (Rupees Fifty Thousand) only with two sureties of like amount to the satisfaction of the competent court of jurisdiction.

13. Petition disposed of. No costs.

Judge

Meghalaya
29.06.2026
"Tiprilynti-PS"