



Serial No. 05
Supplementary List

HIGH COURT OF MEGHALAYA
AT SHILLONG

BA No. 40 of 2026

Date of Decision: 26.06.2026

Shri. Babulal Sheikh
 Son of Shri. Bashir Ahmed
 Of Naldurg, Talukdar-Taljapur,
 Osmanabad District, Maharashtra
 Presently lodged in District Prison & Correctional Home,
 Nongpoh, Ri-Bhoi District Meghalaya

...Petitioner

-Versus-

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

...Respondent

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. R. Gurung, GA Mr. H. Abraham, GA



ORDER (ORAL)

1. This matter was put up today with a direction to the learned GA to produce the case diary as well as the latest status report as far as the accused person is concerned. The query among others, is the question as to whether the ground of arrest was duly intimated to the accused person at the time of his initial arrest.

2. Mr. R. Gurung, learned GA in all fairness has candidly submitted that evidently such grounds of arrest have not been intimated to the accused person though the formalities for compliance of Section 50 of the NDPS Act have duly been complied with.

3. Under such circumstances, this Court relying on the authority of the case of *Mihir Rajesh Shah v. State of Maharashtra & Anr.*, (2026) 1 SCC 500, para 66 as far as the requirement of intimation of grounds of arrest is concerned which ought to have been done firstly in writing and secondly in the language known to the accused person but were found lacking in the case of the accused person herein as far as the case of the accused person is concerned. The relevant para is reproduced herein below:

“66. In conclusion, it is held that:

66.1. The constitutional mandate of informing the arrestee the grounds of arrest is mandatory in all offences under all statutes including offences under IPC 1860 (now BNS 2023);

66.2. The grounds of arrest must be communicated in writing to the arrestee in the language he/she understands;

66.3. In case(s) where, the arresting officer/person is unable to communicate the grounds of arrest in writing on or soon after arrest, it be so done orally. The said grounds be communicated in writing within a reasonable time and in any case at least two hours prior to



production of the arrestee for remand proceedings before the Magistrate.

66.4. In case of non-compliance of the above, the arrest and subsequent remand would be rendered illegal and the person will be at liberty to be set free.”

4. Accordingly, in view of the above, the accused is hereby directed to be enlarged on bail. He is to be released forthwith on the following conditions:

- i. He shall not abscond or tamper with any evidence or witnesses;
- ii. He shall appear before the concerned court as and when required;
- iii. He shall not leave the jurisdiction of Meghalaya during pendency of the trial without prior permission from the concerned court;
- iv. He shall bind himself on a personal bond of ₹ 30,000/- (Rupees Thirty Thousand) only with one surety of like amount to the satisfaction of the competent court of jurisdiction.

5. Petition disposed of.

Judge

Meghalaya
26.06.2026
“Tiprilynti-PS”