



Serial No. 02
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

BA No. 44 of 2026

Date of Decision: 31.07.2026

Smt. Saheba Khatun, wife of Anarul
Islam, resident of Jhalorchar, P.O.
Jhowdanga, District- South Salmara,
Mankachar, Assam.

..... **Petitioner**

- Vs -

State of Meghalaya, represented by
The Learned Public Prosecutor.

..... **Respondent**

Coram:

Hon'ble Mr. Justice W. Diengdoh, Judge.

Appearance:

For the Petitioner/Appellant(s) : Mr. S.A. Sheikh, Adv. with
Mr. M.R. Marak, Adv.

For the Respondent(s) : Mr. N.D. Chullai, AAG with
Ms. Z.E. Nongkynrih, GA.
Mr. E. R. Chyne, GA.

i) Whether approved for reporting in Law journals etc.: Yes/No

ii) Whether approved for publication in press: Yes/No

JUDGMENT AND ORDER (ORAL)

1. This is an application filed under Section 483 of the BNSS, 2023 with a prayer for grant of bail on behalf of the accused husband of the petitioner, Shri. Anarul Islam, who was arrested on 13.05.2026 in connection with



Bajengdoba P.S. Case No. 02 (01) 2016 under Section 120B/353/34 IPC read with Section 5 of the Explosive Substance Act.

2. Heard Mr. S.A. Sheikh, learned counsel for the petitioner, who has submitted that on 06.01.2016, an FIR was lodged before the Officer-in-Charge, Bajengdoba Police Station, North Garo Hills, Meghalaya by S.I. D.B. Barman, wherein, it was stated that the police, on receipt of reliable information about the illegal transportation of explosives, a Naka checking was conducted, and accordingly, one vehicle (Bolero White Colour) bearing registration No. ML 08 D 8888 was intercepted. However, instead of stopping the vehicle, the driver speeds up and fled away towards Tura side, as a result of which, the police open fire and aimed at the tyre of the vehicle. Even after being hit, the driver drove the vehicle about 800 metres and fled away along with the occupant, leaving the vehicle on NH-51 at Berubari.

3. The learned counsel has also submitted that on a search being made, the police recovered 1000 pieces of Electronic Detonators, 100 pieces of Non-Electric Detonators, 8 bundles of Safety Fuse (Commercial) and 1200 pieces of Gelatin sticks along with some documents were seized.

4. It is the further submission of the learned counsel that as narrated by accused person in question, it was revealed that he is only a driver and has no knowledge who had bought the explosives and for what purpose, since he is only following the instructions of the main accused in this case.



5. The learned counsel has also submitted that the petitioner who is the wife of the accused Anarul Islam has referred this application with the main prayer for grant of bail on the ground that the constitutional rights of the accused person mandated under Article 21 and 22 of the Constitution of India has been violated, inasmuch as, at the time of arrest, the accused was not served with the grounds of arrest in the language he understand. This contention is strengthen by the order of the learned Magistrate before whom the accused person in question was produced, wherein vide the said order dated 22.05.2026 the learned Magistrate has observed that on perusal of the case record, it is seen that the Investigating Officer (I/O) has not complied with the direction issued by the Hon'ble Supreme Court Judgment of *Mihir Rajesh Shah v. State of Maharashtra* (2025) INSC, 1288, inasmuch as, the intimation grounds of arrest has not been made in the language that the accused person understand. However, the learned Magistrate has directed that the I/O supply the documents with the written grounds of arrest to the accused person in the language that he understands.

6. This being the case, the learned counsel has led this Court to the case of **Mihir Rajesh Shah v. State of Maharashtra, AIR 2025 SC 5554**, where the Supreme Court at para 43, 48, 52 and 56 has clearly laid down the norms of how an arrestee is to be served with the written grounds of arrest in the language known to him. Since this has not been done, the initial arrest is therefore vitiated, the accused person in question is therefore liable to be enlarged on bail with any



conditions that this Court may imposed.

7. Mr. N.D. Chullai, learned AAG assisted by Mr. E.R. Chyne, learned GA on behalf of the State respondent, has opposed the prayer made by the learned counsel for the petitioner on the ground that the accused person has filed an earlier bail application before the Court of learned Judicial Magistrate First Class, North Garo Hills, Mendipathar, where the court vide order dated 25.05.2026 has rejected the prayer made therein. Since, it is seen that the accused person has not raised the issue of non-intimation of the grounds of arrest at the initial stage, as such, he cannot come before this Court in this subsequent bail application to make a prayer on the grounds of non-intimation of grounds of arrest. In support of this contention, the learned AAG has referred to the case of **State of Meghalaya v. Sonam Raghuvanshi @ Bitti @ Bittu**, wherein the Supreme Court vide order dated 23.07.2026 in SLP (CRL) No. 11944 of 2026, at para 11 and 12 of the same, has observed that the respondent therein has not taken the grounds of non-intimation of grounds of arrest at the earliest point of time and has done so only in the 4th bail application before the Trial Court. Therefore, when the accused person warranted a finding on merits on the earlier occasion, it is not open for him/her to go back and raise the plea on the issue pertaining to the grounds of arrest thereafter. This, according to the learned AAG would be applicable to the case pertaining the accused person in question.

8. Even on merits, the learned AAG has submitted that the facts is that



the case involving explosive is serious in nature, more so, when it is apparent that the accused person in question has been absconding for a long time from the initial date of registration of the FIR on 06.01.2016 till the date he was arrested on 13.05.2026, as such, on this ground alone, the accused person is not entitled to grant of bail in view of his conduct, the application being devoid of merits, the same be rejected is the prayer made by the learned AAG.

9. This Court on consideration of the submission made by the parties herein, has also perused the petition in hand as well as the case diary produced by the State respondent. What is noticed is that on the basis of the FIR dated 06.01.2016, a criminal case was registered as Bajengdoba P.S. Case No. 02 (01) 2016 under Section 120B/353/34 IPC read with Section 5 of the Explosive Substance Act. From the time the said FIR was registered, the accused person in question has absconded, and it was only after 10(ten) years or so, that he was apprehended.

10. As to the intimation of the grounds of arrest, though the learned counsel for the petitioner has brought to the notice of this Court the relevant order of the learned JMFC dated 25.05.2026, where it is said that the grounds of arrest have not been made known to the accused, however, from the case diary it is found that the accused have been intimated of the grounds of arrest on 13.05.2026 and he has also appended his signature on the format along with one witness. Therefore, it cannot be said that he was never intimated of the grounds



of arrest. The reliance of the petitioner in the case of Mihir Rajesh Shah (supra) is not well founded and the same cannot be taken into account by this Court.

11. Considering the conduct of the accused and the seriousness of the offence, this Court is not inclined to allow the prayer made for grant of bail. This petition is accordingly dismissed as devoid of merits.

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

Judge