



Serial No. 01
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

BA. No. 59 of 2026

Date of Decision: 28.07.2026

Seuji Dutta, age 52 years,
Wife of Kokkal Dutta,
Resident of A.K. Path, Bongaigaon
Police Station: Abhaypuri
District: Bongaigaon, Assam.

..... **Petitioner**

- Vs -

The State of Meghalaya represented by
The learned Public Prosecutor, Meghalaya.

..... **Respondent**

Coram:

Hon'ble Mr. Justice W. Diengdoh, Judge

Appearance:

For the Petitioner/Appellant(s) : Mr. Y.S. Mannan, Adv.
Mr. S. Munir, Adv.

For the Respondent(s) : Mrs. N.G. Shylla, Sr. GA with
Ms. I. Lyngwa, 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. Heard Mr. Y.S. Mannan, learned counsel for the petitioner, who has



submitted that this is an application under Section 483 BNSS, 2023 for grant of bail on behalf of the accused, Shri. Kokkal Dutta, who was arrested on 13.06.2026 and is still in custody till date in connection with Tura P.S. Case No. 70/2026 under Section 336(2)(3)/318(4)/338/111(2)(b) BNS, 2023 pending before the Court of the learned Chief Judicial Magistrate, West Garo Hills, Tura.

2. The learned counsel has also apprised this Court that the facts and circumstances of this case are similar to BA. No. 43 of 2026 (Deepa Hazarika v. State of Meghalaya), wherein, the learned counsel has submitted that the accused husband of the petitioner herein was also detained at Greenwood Hotel, Guwahati Assam on 12.06.2026, and without producing him before the Magistrate having jurisdiction over the place of arrest, he was straight away taken to Tura, West Garo Hills, Meghalaya, and by way of a forwarding report dated 13.06.2026 filed before the learned Court of the Chief Judicial Magistrate, West Garo Hills, Tura, a prayer was made to remand the accused to police custody for a period of 7(seven) days.

3. It is the contention of the learned counsel that the whole process of arrest and custodial incarceration of the accused person is a violation of the due process of law and the relevant provision of the Constitution of India as well as that of the BNSS, 2023. In this regard, the learned counsel has referred to Chapter V of the BNSS, 2023 which deals entirely with the Arrest of Persons, wherein, the mandate provisions of arrest persons have been laid down at



Section 35 of BNSS. He submits that the mandatory safeguards contained in Section 41 IPC (Section 35 of BNSS) read with the law laid down by the Hon'ble Supreme Court in the case of **Arnesh Kumar v. State of Bihar & Anr reported in (2014) 8 SCC 273** and also the case of **Satender Kumar Antil v. Central Bureau of Investigation & Anr reported in (2022) 10 SCC 51** has been violated.

4. The next limb of argument advanced by the learned counsel is that there is a violation of the fundamental rights of the accused person, inasmuch as, he was firstly detained by the police at Guwahati in the State of Assam, and without producing him before the Jurisdictional Magistrate for transit remand, he was straight away taken to another State that is, Meghalaya and produced before the learned CJM at Tura. The memorandum of arrest and check list are also blank and there is no signature and seal of the learned Magistrate, which according to the learned counsel, is a violation of Article 21 & 22 of the Constitution of India.

5. In view of the above, the learned counsel has submitted that due to such serious procedural lapses affecting the fairness of the arrest of the accused person herein, therefore, a prayer is made for grant of bail with any conditions to be imposed by this Court, considering the fact that the accused person is a permanent resident of Guwahati, Assam and has no criminal antecedent, he is further committed to cooperate with the investigation and to appear before the



Investigating Officer (I/O) as and when required.

6. Per contra, Mrs. N.G. Shylla, learned Sr. GA assisted by Ms. I. Lyngwa, learned GA appearing on behalf of the State respondent has submitted that based on the submission presented by the learned counsel for the petitioner, since this is a covered case passed in BA. No. 43 of 2026 with similar facts and circumstances, she has no objection to the prayer for grant of bail.

7. This Court having heard the parties, and on perusal of the case diary as well as the petition in hand, and considering the facts as revealed by the learned counsel for the petitioner, is convinced that the accused person herein was intercepted and detained at the first instance at Greenwood Hotel, Guwahati, in the State of Assam and was then taken directly to Tura in the West Garo Hills District of Meghalaya where he was formally arrested. Between the time of his detention and the actual time of arrest, notwithstanding the fact that he was never produced before the Magistrate at the first instance, according to the petitioner, the period of detention has crossed 24 hours.

8. In the case of **Biswajit Mandal v. Inspector, Narcotic Control Bureau, Cochin Zonal Unit**, vide order dated 12.08.2025 in BAIL APPL. No. 8581 of 2025, the Kerala High Court at para 20 of the same has held that the period of 24 hours to produce the accused before the Magistrate runs from the time when the accused was effectively detained. This proposition would apply to the case of the accused person herein.



9. Without proceeding further, this Court is convinced that there have indeed been procedural lapses on the part of the arresting authority as far as the accused person is concerned, and as such, his arrest is not in accordance with law. He is therefore entitled to be granted bail.

10. Accordingly, the prayer of the petitioner is hereby allowed, the accused person in question is hereby directed to be released on bail, if he is not wanted in any other case 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 and Assam, 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) only with one surety of like amount to the satisfaction of the Trial Court.

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

Judge