



Serial No. 01
Supplementary List

HIGH COURT OF MEGHALAYA
AT SHILLONG

BA No. 73 of 2026

Date of Decision: 11.09.2026

Smti. Rima Hazarika
W/o Shri. Dilip Das
R/o Vill. North Lakhimpur,
District Lakhimpur, Assam

...Applicant

-Versus-

1. Union of India
Through the Commissioner of Customs (Preventive),
North Eastern Region, Shillong
Department of Revenue,
Ministry of Finance,
Government of India.
2. The Inspector of Customs
Customs Headquarters (Preventive) Unit,
O/o the Commissioner of Customs, (Preventive)
North Eastern Region, Shillong

...Opposite Parties

Coram:

Hon'ble Mr. Justice W. Diengdoh, Judge

Appearance:

For the Petitioner/Appellant(s) : Ms. C.B. Sawian, Adv.
For the Respondent(s) : Mr. J.I. Nongrum, Adv.
Ms. R. Fancon, Adv.

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



ORDER (ORAL)

1. Heard Ms. C.B. Sawian, learned counsel for the applicant who has submitted that based on a specific information that a person with a white cap and wearing a dark pink full sleeves t-shirt would be carrying substantial quantity of Amphetamine/Methamphetamine in crystal form in his black backpack, the officials of the custom (Preventive) Unit, Shillong led by the Superintendent intercepted the said person near Byrnihat Bridge, Byrnihat Ri-Bhoi District at around 12:25 hours of 03.09.2025. On formalities being fulfilled, such as search and seizure being made which led to the recovery of a large quantity of suspected contraband substance from the person of arrestee, that is, Shri. Dilip Das, he was accordingly arrested on a complaint filed in this regard. The same being registered as Customs NDPS Case No. 03/CL/NDPS/C.METH/HQRS.PREV/SH/2025-26 dated 03/09/2025, under Section 43(a) of the NDPS Act, 1985.

2. On investigation being completed the accused person has now been forwarded to face trial before the court of the learned Special Judge (NDPS), Nongpoh in CrI. (NDPS) Case No. 8 of 2025.

3. It is the further submission of the learned counsel that admittedly this is the fourth bail application presented by the applicant before this Court as well as before the Trial Court, where all such applications have been rejected on one ground or the other.

4. As far as this instant application is concerned, the learned counsel has submitted that the main thrust of the applicant for entitlement to bail as



far as the accused person is concerned, who is her husband is that on perusal of the records it would be clear that the grounds of arrest have not been intimated to the accused/arrestee at the time of his arrest and for violation of his constitutional rights, especially under Article 21 and 22(2) of the Constitution of India, a statutory right of being released on bail has now devolved upon the accused person. In this regard, the learned counsel has referred to the authorities in the case of **Pankaj Bansal v. Union of India & Ors., (2024) 7 SCC 596**, para 40 & 41 and also the case of **Vihaan Kumar v. State of Haryana & Anr., (2025) 5 SCC 799**, para 26.6, where the Apex Court has specifically ruled that non-intimation and furnishing of grounds of arrest at the time when the arrestee was produced before the remand Magistrate amounts to violation of his rights which in turn would vitiate the whole arrest process.

5. On this ground alone, the accused person in question is liable to be released on bail with any conditions to be imposed by this Court, further submits the learned counsel.

6. Per contra, Mr. J.I. Nongrum, learned counsel appearing for the respondent/Union of India has refuted the submission made by the learned counsel for the applicant and has submitted that records would show that the accused person in question was duly intimated of the grounds of arrest at the time he was arrested that is, on 03.09.2025 referring to a particular document available from the case diary at page-38 (Annexure-11) the learned counsel



has led this Court through the contents thereof, wherein is found a communication addressed to the accused person in question with detailed information that he was arrested for having committed a non-bailable offence, having contravened Section 21 and Section 29 of the NDPS Act. At para 2 of the same, details of the circumstances under which he was arrested has been laid down, in the next para a detailed description of what has been seized from him has also been indicated. Finally, it is said that for possession of such contraband substance he was accordingly arrested, the family members, including his wife were also duly informed in this regard. This, according to the learned counsel has satisfied the statutory requirement of the arrestee/accused being duly intimated of the grounds of arrest. As such, this petition is without merits, the same may be dismissed on this ground.

7. This Court has considered the submission made by the learned counsels for the respective parties and has also perused this petition as well as Annexure-11 found in the case diary. As has been submitted by the learned counsel for the respondent, this Court is also convinced that the same contained all the relevant information as far as the factum of arrest is concerned and the grounds upon which such arrest have been affected. The said communication was also acknowledged by the arrestee/accused and nothing has been indicated that he is not conversant with the same. Accordingly, on this ground alone, considering the seriousness of the offence, the rigors of the provision of Section 37 of the NDPS Act, 1985



being applicable to the case, the petitioner has not been able to make out a case for consideration by this Court.

8. Accordingly, this petition is hereby dismissed as devoid of merits.

9. The case diary is to be handed over to the learned counsel for the respondent.

10. Petition is disposed. No costs.

Judge

Meghalaya

11.09.2026

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