GAHC030004192026

THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : Bail Appln./48/2026

Sh. Zalianthanga
S/o Sungvangi, Zokhawthar, Champhai

VERSUS

The State of Mizoram and Anr.
Aizawl2:S.I Zirthanga Pachua

Advocate for the Petitioner : Mr B Lalramenga

Advocate for the Respondent : P.P./Addl.PP, Mizoram

BEFORE
HONOURABLE MR. JUSTICE RAJESH MAZUMDAR
ORDER

Date : 03-07-2026

Heard Mr. B. Lalramenga, learned counsel for the applicant. Also heard Ms. Mary L. Khiangte, learned Addl. Public Prosecutor for the respondent.

2. This is an application under Section 483(1) BNSS, 2023 r/w Section 37 of the ND&PS Act, 1985 for enlargement of the accused/petitioner on bail in connection with ZKT PS Case No. 02/2026 u/s 22(c)/25 of ND&PS Act, 1985.

3. The learned counsel for the petitioner has drawn out attention to the notice under Section 47 of the BNSS, served upon the petitioner to submit that

the same did not contain the ground of arrest. He has submitted that the said notice had only alleged that he was involved in case of ZKTR-PS C/No-02/26 dated 03.02.2026.

4. The learned counsel for the petitioner has also submitted that the notice issued under Section 48 of the BNSS, addressed to the brother of the petitioner did not reveal any grounds safe and except that he has been suspected to be involved in case of ZKTR-PS C/No-02/26 dated 03.02.2026.

5. The learned counsel for the petitioner has drawn our attention to this Court to the certified copy of the notice under Section 48 of the BNSS has submitted the same does not contain the signature of the informed person/mobile number. He has accordingly submitted that since the ground of arrest has not been made known to the petitioner or his family members, the arrest and continued detention of such arrest has been rendered to be illegal. The learned counsel for the petitioner has submitted that this Court has already held in several litigations that the contents of the notices of similar format were held not to be contained sufficient detail as required by the governing law and therefore, would not fulfill the mandate of Article 221 of the Constitution of India.

6. The learned Addl. Public Prosecutor has submitted that there is a difference in the certified copy of the notice under Section 48 of the BNSS supplied with the bail petition with the copy of the aforesaid notice supplied to her along with the case diary from the Investigating Authority, inasmuch as, the notice under Section 48 of the BNSS supplied to her contains the signature of the brother of the arrested person along with his mobile number.

7. The learned counsel for the petitioner has explained this by stating that when the copies of all the documents leading to the arrest of the petitioner had been placed before the Remand Magistrate, the same did not contain the signature and it was at a later point of time possibly that the notice had been served upon the brother of the petitioner, by obtaining his signature. He submitted that in view of the matter, the grounds of arrest could not be made known for the sufficient cause for this Court to grant bail.

8. I find the sufficient force in the submission of the learned counsel for the petitioner that the notice under Section 47 & 48 of the BNSS, 2023 has supplied to the petitioner and to the family of the petitioner do not contain the relevant details as required in law and therefore, the continued detention of the petitioner is required to be interfered with. Keeping in view the fact that the allegations against the petitioner are grave, it is deemed fit only to grant bail to the petitioner on stringent conditions to ensure as participation in the investigation for the time being.

9. Accordingly, in the facts and circumstances, the accused persons are hereby allowed to go on bail of 1,00,000/- (Rupees One Lakh Only) each with one suitable surety each of the like amount to the satisfaction of the learned concerned Trial Court. Accordingly, the applicant, i.e. Shri Zalianthanga, S/o Sungvangi, R/o Zokhawthar, Champhai, Mizoram in connection with ZKT PS Case No. 02/2026 u/s 22(c)/25 of ND&PS Act, 1985 shall be enlarged on bail subject to the following conditions are imposed:-

(i) The petitioner shall not leave the territorial jurisdiction of the learned Special Court, ND&PS Act, Champhai Judicial District, Mizoram without prior written permission;

(ii) The petitioner shall not hamper and tamper with the evidence of the case;

(iii) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any Police Officer.

(iv) The petitioner shall not try to contact the victim or the informant in any manner whatsoever till conclusion of the trial.

(v) The petitioner shall appear before the Special Court, ND&PS Act, Champhai Judicial District, Mizoram, as and when directed to do so;

(vi) The learned Special Court, ND&PS Act, Champhai Judicial District, Mizoram, shall be at liberty to impose such other condition or conditions as may be deemed necessary to ensure the participation of the petitioner in the trial.

(vii) The petitioner shall not engage in any illegal activity of a similar nature in the future.

(viii) The prosecuting authority shall be at liberty to bring any violation of the conditions imposed to the notice of the competent court and request a recall/cancellation of bail.

10. In the case of violation of any or more of the bail conditions, the prosecution would be at liberty to move an appropriate application before the learned Special Court or this Court for cancellation of the bail.

11. The instant bail petition stands allowed and disposed of on the aforesaid terms.

JUDGE

Comparing Assistant