

GAHC020006112025

2025:GAU-NL:503



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

Case No. : Bail Appln./19/2025

SHRI MUKESH KUMAR YADAV
R/O GOLAGHAT ROAD, GHOREPATI, DIMAPUR, NAGALAND

VERSUS

STATE OF NAGALAND
KOHIMA NAGALAND

Advocate for the Petitioner : POKYIM YADEN,
KEVISERIENUO, YUKHAKOKLA, MAONGKALA, NOCKLEI M
KONYAK, WAPANGLEMLA, KONLI BUCHEM, V ANNE THERIE

Advocate for the Respondent : P.P, NAGALAND,

**BEFORE
HON'BLE MRS. JUSTICE YARENJUNGLA LONGKUMER**

ORDER

16/10/2025

Shri. Sentianger, learned counsel for the petitioner has withdrawn his vakalatnama and accordingly, Mr. Pokyim Yaden has entered appearance by filing his vakalatnama on 15.10.2025.

Heard learned counsel for the petitioner, Mr. Pokyim Yaden. Also heard Ms. S. Mere, learned Public Prosecutor for the State of Nagaland.

2. This bail application under Section 483 of the BNSS has been preferred by the petitioner, who is the cousin brother of the accused Shri. Durg Singh who was arrested on 12.06.2025 in connection with Special Case No.14/2025 in Narcotic Cell PS Case No. 06/2025 u/s 21(c)/27 A NDPS Act r/w Section 61 BNS.

3. The learned counsel for the petitioner submits that a bail application had been moved before the learned Trial Court and the same was dismissed by order dated 15.09.2025.

4. The petitioner has approached this Court praying for bail of the accused person solely on the ground that the accused was not served the grounds of arrest as mandated by law thereby violating the mandate of Article 22 (1) of the Constitution of India read with Section 47 of BNSS. The learned counsel for the petitioner has drawn the attention of this Court to the grounds of arrest at page 31 Annexure-6 to the petition. It is

the submission of the learned counsel that in the said grounds of arrest, the arresting authority has not shown the information about the offence under which the accused has been put and all the details regarding the offence; and that the accused is entitled to bail has not been mentioned in the grounds of arrest. Learned counsel relying on the case of ***Vihan Kumar Vs. State of Haryana*** reported in ***2025 SCC online SC 269*** submits that the grounds of arrest must be provided to the arrested person in such a manner that sufficient knowledge of the basic facts constituting the ground is imparted and communicated to the arrested person effectively in the language which he understands. The mode and method of the communication must be such that the object of the constitutional safeguards is achieved. Learned counsel therefore submits that the grounds which was provided to the accused person is not in compliance with the constitutional mandate accordingly rendering the arrest illegal, and therefore prays that the accused may be released on bail.

5. Learned PP., Ms. S. Mere appearing for the State respondents has taken this Court to the order dated 15.09.2025 passed by the learned Trial Court wherein the same ground was taken that the grounds of arrest was not served to the accused and that the ground of arrest furnished to the petitioner are not as per the mandate of Article 22(1) of the Constitution of India. The learned PP therefore, submits that the learned Trial Court had heard the accused person on the same ground and had rejected the application after scrutinizing the grounds of arrest and the other records before the court. Therefore, learned PP submits that there is no change in circumstance and the petitioner cannot come before this Court on the

same ground as it was taken before the Trial Court. Learned PP has also submitted that the ground of arrest provided to the accused person clearly shows that all the information regarding the offence in connection with which the accused person was arrested. The grounds had also been explained to the accused person in hindi which is the language, which he understands and there is no dispute about the same. Therefore, the grounds of arrest has been served on the accused person in accordance with Article 22(1) of the Constitution of India and Section 47 of the BNSS. And therefore, prays that the instant petition may be rejected.

6. This Court has considered the submissions of the learned counsels for the parties and has also gone through the records. The learned PP has produced the updated copy of the Case Diary and the same has been perused. This Court has taken note of the order dated 13.06.2025 passed by the Chief Judicial Magistrate during the first remand of the accused person. The accused person was examined by the Magistrate and he was found to be in good health and he had also stated before the Magistrate that he has informed of the ground of arrest. In the Case Diary, it is seen that the arresting authority has recorded that the grounds of arrest under Section 47 BNSS have been communicated to the persons in writing on 12.06.2025; and duly signed and attested by the accused person. The language in the grounds of arrest is in English, however the Seizing Officer has verbally translated and communicated the contents of the scene in hindi to the accused at that time of his arrest.

7. This Court on going through the grounds of arrest supplied to the accused person has also found that the detailed particulars of the offences

are reflected in the grounds of arrest and the accused has accordingly signed in the grounds of arrest which has been supplied and therefore, this Court is of the view that the mandate of Article 22(1) of the Constitution of India has been complied with by the arresting authorities.

8. Being devoid of merit, the present application is dismissed.

JUDGE

Comparing Assistant