

D/L-35
15/12/2025
Ct. No.35
(Aritra)
(Rejected)

C.R.M.(NDPS) 1562 of 2025

In Re:- An application for Bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with N.D.P.S. Case No.10/2024, arising out of NCB Crime No.07/2024 under Section 21(c)/23/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In the matter of : **R. Lalroluahpuii**

... Petitioner

Mr. Bhaskar Dev Knowar
Mr. Japneet Singh
Ms. Mary Zomuahpuii
Mr. Sourjya Das
Ms. Poulami Bhowmick

....for the petitioner

Mr. Arun Kumar Maity (Mohanty)
Mr. Sagar Sah

....for the NCB

Learned advocate appearing for the petitioner submits that the petitioner was apprehended on the acquisition of carrying amphetamine allegedly of 2.5 kgs. However, on chemical examination being conducted it was found to be MDMA. There was no recovery from the possession of the present petitioner but it is merely an apprehension on the basis of which the petitioner was arrested and since then she is in custody for 1 year 7 months. Presently after the charges have been framed two witnesses have been examined out of the proposed eight witnesses.

Learned advocate also challenges the grounds of arrest which was not supplied to the petitioner and according to the

learned advocate there has been violation in Article 22(1) of the Constitution of India as well as the dictum of the Hon'ble Apex Court in the judgment of **Prabir Purokayastha vs. State (NCT of Delhi)**, reported in **(2024) 8 SCC 254** as well as the decision of **Mihir Ranjesh Shah vs. State of Maharashtra & Anr.**, reported in **2025 SCC Online SC 2356**, wherein the Hon'ble Apex Court was pleased to declare the subsequent remand orders to be illegal in case the petitioner was not supplied with the grounds of the arrest.

Mr. Maity, learned advocate appearing on behalf of the NCB submits that the quantum of seizure in the present case is of commercial quantity and the rigours of Section 37 of the N.D.P.S. Act is attracted in the present case, as such the petitioner may not be released on bail.

I have taken into account of the submission of the learned advocates appearing for the parties.

So far as the other issues are concerned except the examination of two witnesses there has not been change of circumstances, since the earlier bail application was considered in CRM (NDPS) 141 of 2025. The fresh issue which has been canvassed by the petitioner relates to the issue of grounds of arrest. Having considered that in **Mihir Ranjesh Shah** (supra) the Hon'ble Supreme Court in paragraph 58 was pleased to hold as follows:-

“58.We are cognizant that there existed no consistent or binding requirement mandating written communication of the grounds of arrest for all the

offences. Holding as above, in our view, would ensure implementation of the constitutional rights provided to an arrestee as engrafted under Article 22 of the Constitution of India in an effective manner. Such clarity on obligation would avoid uncertainty in the administration of criminal justice. The ends of fairness and legal discipline therefore demand that this procedure as affirmed above shall govern arrests henceforth.”

I am of the view that the offence was committed prior to the date of pronouncement of the judgment and the said judgment being prospective in nature do not apply to the facts of the present case.

Guided by the factual as well as the legal proposition, at this stage I am not inclined to release the petitioner on bail.

Accordingly, CRM (NDPS) 1562 of 2025 is dismissed.

Learned trial court would expedite the progress of the trial and take the same to its logical conclusion within the reasonable period.

All parties shall act in terms of server copy of this order downloaded from the official website of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Tirthankar Ghosh, J)