GAHC020008672026

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

Case No. : Bail Appln./28/2026

SHRI L. DOJI TSINGRR
RESIDENT OF HIGH SCHOOL COLONY, KOHIMA, NAGALAND

VERSUS

THE STATE OF NAGALAND
THE STATE OF NAGALAND REPRESENTED BY THE PUBLIC PROSECUTOR

Advocate for the Petitioner : NISUKA CHISHI, NYUCHITHO L NYUTHE,LUCY WEO,M SOLO,

Advocate for the Respondent : P.P, NAGALAND,

B E F O R E

HON'BLE MRS. JUSTICE HELEN DAWNGLIANI

ORDER

29.10.2026

Heard Mr. M. Solo, learned counsel for the applicant. Also heard Ms. Meri, learned Public Prosecutor for the State.

2. The learned counsel for the applicant submitted that this application has been filed under Section 483 of the BNSS, 2023 for granting bail to the accused, who has been arrested in connection with G.R. Case No. 98/2026

arising out of Kohima South P.S. Case No. 0036/2026 under Section 25(8) of the Arms Act read with Section 62 of the Bharatiya Nyaya Sanhita (BNS).

3. The main ground of challenge raised in this application is the violation of Sections 47 and 48 of the BNSS, which, according to the learned counsel, results in the violation of the fundamental rights of the accused under the Constitution of India. A copy of the notice under Section 47 of the BNSS and a copy of the arrest intimation given to the family under Section 48 of the BNSS have been enclosed with the application.

4. Ms. Meri, learned Public Prosecutor appearing for the State respondent, submitted that although information under Sections 47 and 48 of the BNSS was apparently given, admittedly, the said information does not meet the requirements of the provisions of Sections 47 and 48 as interpreted by the Hon'ble Apex Court in a catena of decisions, particularly in the cases of ***Pankaj Bansal v. Union of India***, ***Vahaan Kumar v. State of Haryana*** and ***Rajesh Mihir Shah v. State of Maharashtra***.

5. Upon perusal of the bail application, its enclosures, and the submissions of the parties, it is noticed that the grounds of arrest furnished to the accused under Section 47 of the BNSS do not contain specific details as contemplated by the Hon'ble Apex Court in the case of ***Prabir Purkayastha v. State (NCT of Delhi)***, it simply indicates the date of arrest and a general

reference to the suspected procurement/supply of illegal arms. *Prima facie*, from the grounds of arrest enclosed with the application, it is clear that the same does not meet the mandatory requirements of Section 47 of the BNSS.

6. Turning to the intimation given to the family under Section 48 of the BNSS, it is noted that the intimation was allegedly given over the phone to the son of the accused on 11.08.2026. However, the intimation record does not reflect the necessary details that were required to be passed on to the family member, even if it is presumed that telephonic information was indeed given. It is needless to mention that the purpose of Section 48 of the BNSS is to notify the relatives, friends, and nominated persons of the accused of the grounds of arrest in detail so that they have a meaningful opportunity to arrange for legal representation, apply for bail, and secure the liberty of the accused. This essential element appears to be lacking from the contents of the arrest intimation given under Section 48 of the BNSS in the present case. When constitutional safeguards protecting personal liberty are pitted against statutory offenses, the fundamental rights of the individual must be given paramount consideration.

7. Accordingly, in view of the violation and irregularities in complying with Sections 47 and 48 of the BNSS, the accused is granted bail upon furnishing a bail bond of ₹75,000/- (Rupees seventy-five thousand) with one surety of

the like amount to the satisfaction of the learned Chief Judicial Magistrate, Kohima.

8. Since it is reported that the investigation is not yet completed, the bail is subject to the following conditions:

i) The accused shall make himself available to the Investigating Officer whenever required and shall furnish a working and functional mobile number where he can be reached by the Investigating Officer at any time.

ii) He shall not commit any offense or similar offense while on bail.

iii) He shall not influence witnesses or tamper with evidence.

iv) He shall not leave the territorial jurisdiction of the Chief Judicial Magistrate, Kohima, without prior permission.

9. With the above directions, the bail application stands disposed of.

JUDGE

Comparing Assistant