GAHC020009402026 2026:GAU-NL:618

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

Case No. : Bail Appln./30/2026

ARENNOK
S/O LATE IMLIKOKBA, PRESENT ADDRESS- MAJAKONG WARD,
MOKOKCHUNG , NAGALAND

VERSUS

STATE OF NAGALAND
NAGALAND KOHIMA

Advocate for the Petitioner : T. KHEZHIE, K SOTE,THEJA VITSU,ROVIMENO THOU,BELINDA,ALEZO KIRE

Advocate for the Respondent : P.P, NAGALAND,

BEFORE
HON'BLE MRS. JUSTICE YARENJUNGLA LONGKUMER

JUDGMENT

Date : 16-11-2026

The petitioner herein has filed the present application under Section 483 of the BNSS seeking enlargement of the accused persons Shri Chumak, Shri Loienba, Shri R. Temjen, Shri Rongsenkaba, Smt. Reno Pradhan and Shri Akumwati Katty on bail, pending the

investigation of GR Case No. 43/2026 corresponding to Mangkolemba Police Station Case No. 002/2026 dated 24.09.2026 u/s 105 BNS r/w Section 44(a), (c), (d) and (e) of the Nagaland Liquor Total Prohibition Act of 1989.

2. Heard learned counsel for the petitioner, Mr. Alezo Kire. Also heard Ms. Livika, learned Public Prosecutor for the State respondents.

3. The case of the petitioner herein is that all the accused persons were arrested on 24.09.2026 from various locations in Mangkolemba and Longnak under Mok district Nagaland in connection with the above mentioned case. The petitioners, after their arrests are still in custody and as on date they have been incarcerated for 54 days.

4. The main ground taken by the petitioner herein is that the grounds of arrest in written as mandated by Section 48 of the BNSS was not served on the family members of the accused persons at the time of arrest. It was only on 03.11.2026 that the grounds of arrest were served upon the families of the accused persons by the police personnel. And as such the continued detention of the accused persons is a violation of the statutory provisions of law. With regard to this contention, the learned counsel for the petitioner has relied on the case of :-

(i) Vihaan Kumar Vrs State of Haryana & Anr, (2025) 5 SCC 799

(ii) *Prabir Purkayastha vrs State (NCT of Delhi), (2024) 8 SCC 254.*

5. The second ground taken by the petitioner herein is that even on merits the instant case satisfies the parameters for grant of regular bail inasmuch as there is no material evidence to show that the accused persons had any involvement whatsoever in the death of the persons mentioned in the FIR. It is also stated that neither in the arrest memo nor in the checklist of the arresting authority, there is nothing to show that there is likelihood of the accused persons influencing witnesses or that they are likely to jump bail, if released on bail. The police documents themselves therefore show that the accused persons have no criminal antecedents and that they are permanent residents of Nagaland and that there is no flight risk in respect of the accused persons.

6. Another contention advanced by the learned counsel for the petitioner is that two of the accused persons are aged only 22 and 23 years old and three of the accused persons are family men with wives and minor children depending on them and as such their continued detention in jail will have dire consequences on the fate of their family members and also their future. The accused no. 5 is also a 51 year old woman with a husband and three children.

7. Another submission made by the learned counsel for the petitioner is that there is no apprehension of any of the accused persons absconding or threatening or influencing any of the witnesses or tampering with the material evidence as they are mere daily wage earners.

8. It is also submitted that the accused persons have also filed bail applications before the learned Principal District and Sessions

Judge, Mokokchung which has been rejected by the learned court below by an order dated 23.10.2026 on the ground that the investigation is still ongoing and that the FSL report in respect of the seized liquor and the viscera samples are still awaited.

9. On the above grounds the learned counsel therefore prays that this Court may allow the instant application and release the accused persons on bail on any terms and conditions as deemed fit and proper.

10. The learned PP Ms. Livika has made her submissions on the basis of the Case Diary and also the status report submitted by the I.O of the case. She has vehemently objected to the bail application at this stage in view of the fact that the investigation is at a crucial stage as the investigation has revealed that the suspected spurious liquor has been procured from Assam and the role of certain persons who have sold the spurious liquor to the accused persons herein has also appeared during the investigation and such persons are yet to be arrested. She has also submitted that subsequent disclosures have therefore identified additional persons who need to be apprehended and the possibility of a wider distribution network warrants a careful and thorough investigation. She submits that upon the apprehension of the additional persons, joint interrogation will also be required and it would be in the interest of justice that such joint interrogation be conducted when the accused persons are in custody.

11. The learned PP has also submitted that the non supply of grounds of arrest in written to the accused person cannot be a ground for granting bail inasmuch the record clearly reveals that the

ground of arrest in writing has been supplied to the accused persons by obtaining their signatures in the acknowledgment column and moreover, the relatives of the accused persons have duly signed and acknowledged the arrest intimation to the family members nominated by the arrestee under section 36 (b) of the BNSS, duly certified by the remanding Magistrate on 26.09.2026.

12. The learned P.P. further submits that there was substantial compliance with the requirement of section 48 BNSS in the instant case inasmuch as the accused person had not suffered any prejudice or was not denied effective opportunity to defend himself. The learned P.P. also submits that offence under section 105 BNS is a serious and grave offence and thorough investigation needs to be conducted and therefore, bail may not be granted at this stage.

13. This Court has duly considered the submissions of the learned counsel for the parties and perused the records and the Case Diary which is produced and also the status report submitted by the I.O.

14. Upon a cumulative examination of the entire records, this Court is of the view that in respect of the ground taken by the petitioner regarding non supplying of the ground of arrest to the family member of the accused persons, it is seen that the family members were duly intimated about the arrest and they were aware about the ground of arrest inasmuch as the accused has been defended and the first bail application on their behalf has been filed before 23.10.2026.

15. The Hon'ble Supreme Court in the case of ***State of Rajasthan vs Jhabra Ram, 2026 INSC 1169,*** has held that even though communication of ground of arrest is an important constitutional safeguard under Article 22(1) and statutory requirement under section 47 and 48 of the BNSS, however, the Court must examine whether there was substantial and effective compliance with the requirement in the facts and circumstances of the case. The Court held that procedural defect in the mode of communicating the ground of arrest would not automatically become a ground for granting regular bail and the Court has to examine whether the accused suffered any prejudice or denied the accused an effective opportunity to defend himself. It was also held that a hyper technical objection regarding the form or mode of communication of the grounds of arrest cannot operate as an automatic entitlement to bail.

16. Having gone through the record, this Court is of the view that there has been substantial compliance on the part of the arresting authority under section 47 and 48 of the BNSS. Moreover, in respect of the investigation in the instant case, this Court has also observed that the investigation is at the crucial stage and that the examination of the accused persons herein has led to subsequent disclosure of the involvement of additional persons which requires thorough examination. It has been reflected in the Case Diary that the suspected spurious liquor has been procured from Assam and identity and roles in connection of the alleged suppliers have also not been verified and further investigation is required to establish complete supply and distribution network. If and when the additional persons

are apprehended no doubt the investigating agency will require joint interrogation of the co-accused persons. It is also seen that FSL report is a vital requirement in the instant case and digital and financial evidence is still under investigation and the suspected liquor and the viscera has also been forwarded to CFSL Kolkotta and the finding/report is still awaited.

17. This Court is therefore of the view that the release of the accused persons at this stage will cause prejudice to the investigation and therefore on that ground alone, the instant bail application is rejected and dismissed.

JUDGE

Comparing Assistant