

February 11, 2026

81 ARDR
Allowed

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
CRIMINAL MISCELLANEOUS JURISDICTION**

CRM (NDPS) 629 of 2025

In Re : An application for bail under Section 483 of the Bharatiya
Nagarik Suraksha Sanhita, 2023 in connection with **Falakata** Police
Station case no. **69** of **2025** dated **15/2/2025** under Sections
21(c)/29 of the NDPS Act.

And

In Re : **Shohid Miya & anr.**

... Petitioners.

Adv. Subham Ghosh,
Adv. Mayank Roy,

... for the Petitioner.

Adv. Nilay Chakraborty,
Adv. Kallol Nag,

...for the State.

The petitioners seek bail primarily on the ground that grounds
of arrest were not communicated to them at the time of his arrest.
Learned counsel for the petitioners places reliance in the authority
in Mihir Rajesh Shah vs. State of Maharashtra & anr. reported in
(2025) SCC OnLine SC 2356 in support of his contention.

Learned counsel for the State opposes the prayer.

It is not in dispute that the grounds of arrest were not
communicated to the petitioners at the time of their arrest. The law
on the issue as laid down by the Hon'ble Supreme Court is very
clear. The constitutional mandate of informing the arrestee the
grounds of arrest is mandatory in all offences under all statutes and
should be communicated in writing to the arrestee in the language
he understands. In case of non compliance of the same the arrest

and the subsequent remand is rendered illegal and the arrestee ought to be set at liberty at once.

In view thereof, this Court is inclined to hold that though contraband of commercial quantity has been recovered from the possession of the petitioners and the offence is extremely serious in nature, the petitioners are entitled to release on bail solely on the ground of non compliance of the mandate laid down by the Hon'ble Supreme Court.

Accordingly, the prayer for bail is allowed.

The petitioners namely Shohid Miya and Vulli Devi be released on bail upon furnishing bond of Rs.20,000/- (Rupees Twenty thousand only) each, with two sureties of like amount each, one of whom should be local, to the satisfaction of the learned Special Judge, (NDPS), Alipurduar subject to condition that they shall remain within the jurisdiction of the learned trial Court and shall appear before the learned trial Court on every date of hearing. They shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioners fail to adhere to any of the conditions as stated above without justifiable cause, the learned trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

CRM (NDPS) 629 of 2025 is thus disposed of.

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

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

(Suvra Ghosh, J.)