GAHC030000512026

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

Case No. : Bail Appln./3/2026

Sh. Lalrinsanga Singson
Tuithaveng, Hebron, Kolasib

VERSUS

The State of Mizoram and Anr.
Aizawl2:S.I J.B Lawmsang

Advocate for the Petitioner : Mr. Lalfakawma

Advocate for the Respondent : P.P./Addl.PP, Mizoram

BEFORE
HONOURABLE MR. JUSTICE PRANJAL DAS
ORDER

02.03.2026

Heard Mrs. Annie Lalenkawli, learned counsel for the petitioner, who invoking Section 483 BNSS is seeking bail in connection with Kolasib P.S. Case No. 94/2024 under Section 21(c) of the ND&PS Act, which after completion of the investigation resulted in a Charge-sheet and presently at the stage of trial in Criminal Trial SC (K) No. 7/2025 before the learned Special Judge, Kolasib. The petitioner was arrested on 17.12.2024 and presently in judicial custody.

2. Drawing attention to Annexure-5, learned counsel submits that notice under Section 48 BNSS is insufficient and there is no notice under Section 47 BNSS.

3. The petitioner was arrested in this case on 17.12.2024. It is submitted that in the meantime, upon completion of investigation, Charge-sheet has been submitted on 21.02.2025 under Section 21(c) of the ND&PS Act, sending up the petitioner as the sole accused for trial. Subsequently, on 28.04.2025, charge has been framed against the present petitioner under the same penal provision.

4. Mrs. Vanneihsiami, learned Addl. Public Prosecutor submits that 9 witnesses are listed in the Charge-sheet and the prosecution evidence is already completed and examination under Section 313 Cr.PC is also completed.

5. The learned counsel for the petitioner has referred to the case of ***Mihir Rajesh Shah Vs. State of Maharashtra and Another,*** reported in ***2025 INSC 1288.*** The learned counsel has drawn attention to paragraph No. 56 of the said Judgment, which may be reproduced herein below:-

> "*56. In conclusion, it is held that:*
>
> *i) The constitutional mandate of informing the arrestee the grounds of arrest is mandatory in all offences under all statutes including offences under IPC 1860 (now BNS 2023);*
>
> *ii) The grounds of arrest must be communicated in writing to the arrestee in the language he/she understands;*
>
> *iii) In case(s) where, the arresting officer/person is unable to communicate the grounds of arrest in writing on or soon after arrest, it be so done orally. The said grounds be communicated in writing within a reasonable time in any case at least two hours prior to production of the arrestee for remand proceedings before the magistrate.*
>
> *iv) In case of non-compliance of the above, the arrest and subsequent*

remand would be rendered illegal and the person will be at liberty to be set free."

6. The notice given to the accused petitioner at the time of arrest has been annexed by the petitioner's side and also available in the scanned record and the same may be reproduced herein below:-

"*INTIMATION OF GROUND OF ARREST U/S 48 BNSS*

To
Lalrinsanga Singson (32)
s/o Dara Singson of Tuitha veng, Hebron, Kolasib.

This is to inform you that, today i,e 17.12.2024@ 1:30 pm/am you have been arrested at Kolasib Police Station by SI JB Lawmsanga in connection with Kolasib P.S. case no. 94/2024 Dt. 17.12.2024 u/s 21(C) of ND&PS Act 1985. You are also informing to entitle to meet an advocate.

Sd/-
SI (JB LAWMSANGA)
Investigating Officer
Kolasib Police Station.

Received by,

Sd/-
(LALRINSANGA SINGSON)
S/O Dara Singson of
Tuitha Veng, Hebron, Kolasib"

7. However, the notice which is required to be given to the relative of the accused is not found. In any case, the aforesaid contents of the notice given to the accused would not meet the standards of "Grounds of Arrest" that are required to be given to the accused in terms of the law laid down by the Hon'ble Supreme Court in ***Prabir Purkayastha Vs. State (NCT of Delhi),*** reported in

(2024) 8 SCC 254 and ***Vihaan Kumar Vs. State of Haryana and Another***, reported in ***(2025) 5 SCC 799,*** so as to satisfy the mandate under Section 22(1) of the Constitution of India. Paragraph No. 56 of ***Mihir Rajesh Shah (supra)*** mentioned above reiterates the principles of law which has crystallized on the subject matter.

8. In ***Prabir Purkayastha (supra),*** it has been held that grounds of arrest are specific to the person concerned and have to be in reasonable detail to facilitate his understanding of why the person has been arrested and to help him prepare for the defence. Notice with similar contents also has to be furnished to the relative of the accused under Section 48 BNSS, [earlier Section 50-A Cr.PC].

9. On the basis of the principles laid down by the Hon'ble Supreme Court in these decisions, the law is that if there is violation of this mandate at the time of arrest, the continued detention would be untenable and this should be so, even if there are statutory bars on grant of bail, such as Section 37 of the NDPS Act.

10. Accordingly, in the given facts and circumstances and in the backdrop of the above discussion, - the petitioner herein is required to be granted bail despite the applicability of Section 37 of the NDPS Act and the advanced stage of the trial. Consequently, the accused namely, Sh. Lalrinsanga Singson is allowed to go on bail with a bail bond of Rs. 50,000/- with one surety of like amount to the satisfaction of the learned Trial Court and subject to the following conditions:-

(1) He shall not abscond.

(2) He shall be available for the remaining trial.

(3) He shall not hamper or tamper with the evidence.

(4) He shall not misuse his liberty to commit any illegal activities, including any activities prohibited under the NDPS Act.

Further, the learned Trial Court shall be at liberty to impose any other conditions that it deems fit and proper.

11. The instant bail application stands disposed of.

JUDGE

Comparing Assistant