GAHC030000822026

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

Case No. : Bail Appln./5/2026

Sh. Lamminthang Singson
S/o Paotinsai, Monglienphai, Churachandpur, Manipur

VERSUS

The State of Mizoram
Aizawl

Advocate for the Petitioner : Mr. Jonathan Lalrintluanga

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

B E F O R E
HON'BLE MR. JUSTICE PRANJAL DAS

ORDER

05.03.2026

Heard Mr. Jonathan Lalrintluanga, learned counsel for the petitioner and Mrs. Vanneihsiami, learned Addl. PP for the State.

2. It is submitted that the petitioner namely, Lamminthang Singson was arrested on 13.08.2023 as revealed from the previous order dated 19.02.2026. The case is at the stage of trial and prosecution evidence as well as examination under Section 313 Cr.PC is also completed and trial is at the stage of defence evidence. As one of the main contention that the petitioner is non-furnishing of the grounds of arrest at the time of his arrest, scanned record was called for.

3. The case arose out of the F.I.R dated 13.10.2023 with the allegations that upon information about possession of suspected contraband substances and operation was carried out and thereafter, 1216 grams of suspected heroin were recovered from a room rented by the accused person. Upon completion of investigation, Charge-Sheet was submitted and as mentioned above, the case is at an advanced stage of the trial, and only defense witnesses if any, remain to be examined. The primary contention is

that the notices under Section 50/50(A) Cr.PC (as it existed then) were not furnished to the petitioner at the time of his arrest on 13.08.2023.

It is submitted that ever since his arrest, he has been under trial detention and presently in judicial custody.

The scanned record has been received.

4. Ms. Vanneihsiami, learned Addl. PP fairly submits that though specific notices have not been found in the record but in the seizure cum arrest memo there is narration regarding the circumstances in which the petitioner has been arrested. A copy of the same has been annexed by the petitioner and also available in the scanned record and I have perused the same. The seizure cum arrest memo indicates the name of the arrested persons; particulars of the seized materials.

5. In support of her contentions the learned Addl. PP refers to the decisions of this Court in Bail Appln. No. 1371/2025 dated 24.06.2025 and submits that considering the circumstances of the arrest, the petitioner was fully aware of the grounds of arrest.

6. I have perused the materials and considered the submissions.

7. In ***Prabir Purkayastha Vs. State (NCT of Delhi)*** reported in ***2024 Supreme (Online) (SC) 3630,*** it was held that the grounds of arrest in reasonable detailed and specific to the arrested person should be furnished

and that the same is necessary in keeping with the constitutional mandate under Article 22(1).

8. Referring to ***Kanishk Sinha and Anr. Vs. The State of West Bengal and Anr*** reported in ***2025 Supreme (SC) 411,*** the learned counsel for the petitioner submits that unless stated otherwise judgments of the Courts of Record would be retrospective.

9. Thus, it is clear from the materials that notices under section 50/50(A) Cr.PC (as it existed then) regarding grounds of arrest were neither furnished to the arrestee nor to his family member. The prosecution has submitted that the seizure cum arrest memo narrates the facts and circumstances of the case and the circumstances in which arrest was made and that in view of the same, the accused petitioner was in the know regarding as to why he was arrested. However, in terms of the law governing the subject vis-a-vis the mandate of Article 22(1) of the Constitution of India, the same would not suffice.Even from the point of view of substantial compliance as contended by Addl. PP by referring to the decision of this Court, the contents of the seizure cum arrest memo do not constitute grounds of arrest either to the arrestee or to his family member. Therefore, in the instant case, it has to be held that there was no compliance with the statutory notices required to be given at the time of arrest and therefore, the continued detention of the petitioner is rendered untenable

and he required to be granted bail. In any case, the petitioner is in under trial detention since they are arrested on 13.08.2023.

10. Accordingly, in the given facts and circumstances, the petitioner is allowed to go on bail of Rs. 50,000/- with one surety of the like amount to the satisfaction of the concerned learned court and subject to the conditions that he shall be available for the remaining trial; he shall not hamper or tamper with evidence; he shall not abscond. He shall not misuse his liberty to commit any offences.

Violation of bail conditions will entail bail cancellation.

11. The bail petition stands allowed and disposed of on the aforesaid terms.

JUDGE

Comparing Assistant