

IN THE COURT OF THE SPECIAL JUDGE, (ND&PS), SENAPATI,
MANIPUR

Cril. Misc. (B) Case No.67of 2026

Ref: FIR No. 01 (02) 2026 MAO-PS

U/S 18(b)/29/60 (3) ND & PS Act

State of Manipur

..... Complainant

Versus

Smt. Ng Rone and Another

..... Accused Persons

Smt. Ng Rone, aged about 40 years, d/o. Yaone,
resident of Tunggam Khullen, P.O. Tadubi & P.S.
Tungjoy, Senapati District, Manipur - 795104, A/P
TCP, Armygate Senapati

..... Accused/Petitioner

PRESENT
LAMKHOLAL KIPGEN
SPECIAL JUDGE, (ND & PS), SENAPATI

For the Accused/Petitioner : SP Thomas, Ld. Adv.

For the Respondent : Koshia Mao, Ld. SPP

Date of Hearing : 21.07.2026

Date of Order : 05.08.2026

ORDER/EXTRACT COPY

1. Coming before me for disposal is the bail application of the above-named accused/petitioner, filed under Section 483 of the BNSS read with Section 37 of the NDPS Act, praying for releasing her on bail.

2. I have heard the learned the special public prosecutor and the learned counsel for the accused/petitioner. I have perused the application and the connected records.

3. For brevity, only the facts, averment and submissions which are necessary for the disposal of the application are reproduced.

The Case:

4. Briefly, the case of the prosecution is that, on 03.02.2026 at about 10:30 pm, while conducting random frisking and checking at Martyrs Park, Mao along NH-2 by a team of Mao PS personnel, one Tata dumper bearing regd. No. NL07AA-5740 was observed coming from Tadubi side and moving towards Dimapur. The vehicle which was driven by accused Athikho Elokho (accused no. 1) was stopped and checked. On checking the vehicle, suspected opium weighing 5.60 kg (approx.) was found concealed below the seat of the co-driver of the vehicle. On completion of seizure and arrest procedure in the presence of Executive Magistrate, the said individual along with the seizure items were handed over to Mao PS for necessary legal action. On preliminary interrogation of the said accused, he revealed that the seized suspected opium was handed over to him by the present accused/petitioner. Thereafter, the accused/petitioner was arrested from her residence on 04.02.2026 at about 2:30 am by women police personnel.

Submissions:

5. Narrating the case of the prosecution, it is submitted on behalf of the accused/petitioner that bail has been moved on the following grounds:

(i) The notice u/s 47 of BNSS i.e., the ground of arrest was not properly explained to the accused/petitioner. Further, the said notice contains only the FIR and the Sections. As such, there is non-compliance of section 47 as per *Mihir Rajesh Shah Vs State of Maharashtra* and another, (2026) 1 SCC 500 and *Prabir Purkayastha Vs State (NCT of Delhi)*, (2024) 8 SCC 254.

(ii) The accused/petitioner is innocent and has been falsely implicated solely on the basis of alleged confessional statement of the co-accused.

(iii) The accused/petitioner was not present when the recovery of the suspected opium was made. There is no recovery of incriminating articles from the accused/petitioner nor money trail or admissible electronic evidence linking the applicant with the present case. Reliance is placed on *Kishan Yadav Vs State of UP* and another, (2026) Live Law (AB) 144 and *Tofan Singh Vs State of Tamil Nadu*, (2021) 4 SCC 1.

(iv) The accused/petitioner was arrested on 04.02.2026 at about 2:30 am. As the accused/petitioner was arrested between sunset and sunrise, it was mandatory to comply with section 42 of the NDPS Act. However, the arresting authorities fail to do so. Reliance is placed on *State of Punjab Vs Baldir Singh*, (1994) 3 SCC 299, *Karnail Singh Vs State of Haryana*, (2009) 8 SCC 539, *Sukhdev Singh Vs State of Haryana*, (2013) 2 SCC 212, *State of Rajasthan Vs Jagraj Singh alias Hansa*, (2016) 11 SCC 687, *Boota Singh and others Vs State of Haryana*, (2021) 12 SCC 358 of the Hon'ble Supreme Court. Further reliance is placed on *Raghu @ Rahul Rajput Thakur Vs State of Odisha*, BLAPL No. 2430 of 2021 of High Court of Orissa, *Pankaj Vs State of Punjab*, 2022, SCC Online P&H 1296 and *Varinder Singh @ Bagga Singh Vs State of Punjab*, CRM-M-3193-2022 (O&M) of the Punjab and Haryana High Court, *Kachrural Vs Union of India*, Misc. Cril. Case no. 38010 of 2024.

6. Referring to the records pertaining to the case, the learned special public prosecutor submitted that all mandatory procedures were complied with. It is submitted that the case has been charge sheeted as the accused/petitioner and the co-accused are found to have colluded in transportation of the seized drugs. As such, given that the trial is commencing and as the seizure is of commercial quantity, the Court should reject the bail application.

The Court's View:

7. It is settled law that for granting the bail under the NDPS Act the court must, on the basis of the record produced before it, be satisfied that there are reasonable grounds for believing that the accused is not guilty of the offences with which he is charged and further that he is not likely to commit any offence while on bail. It has further to be noticed that the conditions for granting the bail, specified in clause (b) of sub-section (1) of Section 37 are in addition to the limitations provided under the Code of Criminal Procedure or any other law for the time being in force regulating the grant of bail. Liberal approach in the matter of bail under the Act is uncalled for.

8. The first ground raised in the present application for bail is that the notice u/s 47 of BNSS i.e., the ground of arrest was not properly explained to the accused/petitioner. In *State of Meghalaya v. Sonam Raghuvanshi*, SLP (Crl) No.11944/2026, the Hon'ble Supreme Court, relying on *Mihir Rajesh Shah* (supra), held that inadequate grounds of arrest by themselves will not vitiate an arrest and the accused/arrestee must show that prejudice has been caused to him. Herein, admittedly, the notice u/s 47 was supplied to the accused/petitioner. As per the remand Order dated 04.02.2026 of the learned remand magistrate, the learned magistrate had satisfied himself that the ground of arrest was informed to the accused/petitioner. It is also seen that the Legal Aid Defence Counsel, Miss Victoria, was present during production. Inadequacy of the notice or non-explanation of the grounds therein were not raised before the learned magistrate. The learned moving counsel was also present on behalf of the accused/petitioner at the time of her production before this Court on 11.02.2026, but no issue on the notice u/s 47 was raised. No demonstrable prejudice as per *Sonam Raghuvanshi* (supra) can thus be seen against the accused/petitioner. As such, the plea on violation of Section 47 BNSS fails.

9. Moving to the second ground on which the present application has been moved i.e., non-compliance to Section 42 of the NDPS Act. Section 42(1) of the NDPS Act mandates that if any empowered officer

receives information regarding commission of any offence under the Act, the officer shall note down in writing the information so received before entering any building, conveyance or enclosed place for search, seizure and arrest operation. As per the second proviso of the Section, if the operation is to be conducted after sunset and before sunrise, and due to urgency, a warrant or authorisation cannot be obtained beforehand, the officer shall record the grounds of his belief before conducting the operation. As per Sub Section 2, such information or grounds of belief shall be forwarded to the immediate superior officer within 72 hours.

10. Against this backdrop, herein, material on record manifest that the seizure was made during a routine frisking and checking operation at Martyr's Park, Mao along NH 2 by a team of Mao PS. There was no source information which led to the frisking and checking operation. The information that led to the arrest of the accused/petitioner was the disclosure statement u/s 180 BNSS of the co-accused. Such statement cannot be "information given by any person" in terms of Section 42 of the NDPS Act. It follows that without any prior information/source report, there is no question of compliance of second proviso of the said Section or sub section (2) of the Section. The contention that Section 42 of the NDPS Act has been violated is clearly misplaced.

11. Moving on, perusal of the chargesheet, reveal that the accused/petitioner had earlier been arrested in connection with FIR 0037/2022 u/s 22(c) NDPS Act & Section 34 IPC of the South PS, Kohima, Nagaland. Under the circumstances, it cannot be stated that the accused/petitioner will not commit any offence while on bail. Satisfied thus, in view of Section 37 of the NDPS, an embargo is placed on the Court from releasing the accused/petitioner on bail on merit.

12. In light of the discussion above, the Court is not inclined to release the accused/petitioner on bail.

13. As the Court has satisfied itself that the bar u/s 37 of the NDPS Act would apply, discussion on other grounds raised in the application is not necessary.

14. The cases cited by the accused/petitioner qua Section 42 of the NDPS Act were based on prior source information, which is not the case herein. The cases therefore do not assist the accused/petitioner.

15. With that, the bail application is dismissed.

Sd/-
(Lamkholal Kipgen)
Spl. Judge, (ND & PS),
Senapati