



Serial No. 01
Supplementary List

HIGH COURT OF MEGHALAYA
AT SHILLONG

BA No. 29 of 2026

Date of Order: 12.06.2026

Smti. Baiarlinda Rani

Vs.

State of Meghalaya

Coram:

Hon'ble Mr. Justice W. Diengdoh, Judge

Appearance:

For the Petitioner/Appellant(s) : Ms. I.S. Kharumnuid, Adv.

For the Respondent(s) : Mr. N.D. Chullai, AAG with
Mr. E.R. Chyne, GA.

1. As directed, Mr. N.D. Chullai, learned AAG has produced the Medical Status report of the accused Shri. Dimordas Basan Khyriem, wherein he was advised to undergo clinical test at NEIGRIHMS before removing the Bilateral DJ Sten which is scheduled to be conducted on 16.06.2026.

2. In view of this, the learned AAG has submitted that the accused is not in a critical condition and he will be able to go for the said appointment from the prison where he is presently incarcerated.

3. Ms. I.S. Kharumnuid, learned counsel for the petitioner has submitted that the ailment of the accused/patient is very severe and the operation is required to be conducted in a secured atmosphere. The procedure would take a number of days to be completed and even his diet has to be accordingly prescribed, as such, the prayer for grant of bail becomes relevant under such circumstances.

4. The learned counsel for the petitioner has also submitted that apart from the grounds raised in this petition, that is, the medical condition and entitlement to bail thereof, the petitioner has also raised the issue of violation of the



Fundamental Rights of the accused, inasmuch as the grounds of arrest have not been intimated to him in the language known to him, as such, he is entitled to be granted bail on this ground too.

5. Learned AAG has submitted that from the FIR it is clearly seen that the accused person in question has been caught red-handed with a huge quantity of contraband substance, warranting invocation of the relevant provisions of the NDPS Act, as such, having been arrested, inter alia, under Section 21(c) of the said Act, this Court would have to take into account the provision of Section 37 of the Act before any order of grant or refusal of bail is made.

6. In fact, as has been submitted, the accused having been caught red-handed, there is no need to explain the reasons of arrest. This proposition is found in the case of Madhu Limaye and Ors. reported in (1969) 1 SCC 292, at para 10 of the same. As such, contending that the provision of Article 22(1) of the Constitution of India has been violated, the same would not apply to the case of the accused herein.

7. This Court before taking up the points of contention raised by the parties herein, on the submission of the learned counsel for the petitioner that the charge sheet has also not been filed till date, the mandatory period would end on 14.06.2026, hereby directs the prosecution to confirm this fact and to place the Status Report in this regard on the next date fixed.

8. As to the requirement of the accused to be hospitalised for the said operation at NEIGRHIMS, the prison authorities are directed to monitor the medical condition of the accused/patient and in case of emergency or any complaint of pain etc., to ensure that he is immediately taken and admitted at NEIGRIHMS for his treatment, notwithstanding the fact that he is slated to be admitted on 16.06.2026. If he is admitted at the said hospital, this Court would



allow his family members or relatives or those associated with him to attend to his needs at the said facility. Even as regard his dietary requirements, the family members are at liberty to decide on this.

9. Let copy of this order be issued upon the Superintendent, District Prison and Correctional Home, Jowai, West Jaintia Hills, for compliance.

10. As prayed for by the parties, list this matter for further hearing on 16.06.2026.

Judge

Meghalaya
12.06.2026
"Tiprilynti-PS"