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HIGH COURT OF TRIPURA
_A_G_A_R_T_A_L_A_

Crl. Petn. No. 16 of 2026

The State of Tripura,
Represented by the Secretary,
Home Department, Government of Tripura.

.....Petitioner

VERSUS

- 1. Sri Sumanta Das,**
S/o Sri Sajal Das,
Resident of Village-Nachir Nagar,
P.O. Rajnagar, P.S. – PR Bari,
District-South Tripura.
- 2. Sri Joyel Das,**
S/o Sri Uttam Das,
Resident of Village-Nachir Nagar,
P.O- Rajnagar, P.S.- PR Bari,
District-South Tripura.
- 3. Hyder Hosssain,**
S/o Abdul Latif,
Resident of Niyamat Khani,
P.O.- Mullaganj, P.S.- Nilam Bazar,
District-Karimganj, Assam.

.....Respondents

For Appellant(s)	:	Mr. Raju Datta, PP. Mr. Soumyadeep Saha, Addl. PP.
For Respondent(s)	:	Mr. Arnab Kar, Adv.
Date of hearing	:	09.07.2026
Date of Delivery of judgment	:	15.07.2026
Whether fit for reporting	:	NO

HON'BLE MR. JUSTICE BISWAJIT PALIT
JUDGMENT & ORDER

This petition under Section 482 of Cr.P.C., corresponding to Section 528 of BNSS, is filed for setting aside the order dated 05.01.2026 passed by Learned Special Judge (NDPS), Dhalai, Ambassa in connection with Ganganagar PS case No. 2025/GNR/004 (NDPS).

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2. By the said order Learned Trial Court has granted bail to the respondent accused persons. Taking part in the hearing, Learned PP Mr. Raju Datta, appearing on behalf of the State, drawn the attention of the Court that on the basis of a *suo motu* complaint laid by one SI Babul Mahajan of Ganganagar PS O/C Ganganagar PS, the present case has been registered against Sumanta Das, Joyel Das, Hyder Hossain, Ashis Das & Rajesh Sarkar.

3. It was further submitted by Learned PP that at the time of production of accused persons before the Court, grounds of arrest was duly communicated by the IO and the same was also communicated to the accused persons in the language understood by the accused persons but before the Trial Court they have never raised the issue that the grounds of arrest were not communicated to them.

4. Learned PP has further drawn the attention of the Court, referring the arrest memos, i.e. Annexures-2 in respect of accused Sumanta Das, Joyel Das and Hydar Hossain along with the separate memo containing the grounds of arrest, as per Section 47 of BNSS, wherein on the body of the said communication supplied to the respondent accused persons the following sentence was mentioned by the IO:-

“This intimation is served to me before arrest and duly read over to me in Bengali language. I am having fully understood the contents of the written intimation Memo of the Ground of Arrest and being fully aware of the facts & put my signature here in.”

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5. According to Learned PP, after the said certificate the respondent accused persons have put their signatures. In addition to that, in the respective arrest memo also the signatures of the accused persons were taken and in the relevant column of grounds of arrest it was specifically mentioned that a separate sheet was enclosed but the Learned Trial Court relying upon the judgment of Hon'ble Supreme Court of India in ***Mihir Rajesh Shah vs. State of Maharashtra & Anr.***, reported in ***(2026) 1 SCC 500*** came to the observation that the grounds of arrest was communicated to the accused persons in English language instead of Bengali language and thus granted bail to all the respondent accused persons by the said order dated 05.01.2026 and challenging that order the prosecution has approached this Court.

6. Learned Counsel for the respondent accused persons in course of hearing submitted that the submission of Learned PP cannot be accepted in view of the judgment of the Hon'ble Supreme Court as referred by the Learned Trial Court.

7. Learned counsel further submitted that although in the enclosed sheets of paper it was mentioned by IO that the grounds of arrest was explained to the accused in Bengali but that was not in compliance with the direction of the Hon'ble Supreme Court and submitted that the Learned Trial Court rightly granted bail to the respondent accused persons.

8. Now for the sake of convenience, let us reproduce herein below the relevant provision of Section 47 of BNSS which provides as under:-

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“47. Person arrested to be informed of grounds of arrest and of right to bail.-

(1) Every police officer or other person arresting any person without warrant shall forthwith communicate to him full particulars of the offence for which he is arrested or other grounds for such arrest.

(2) Where a police officer arrests without warrant any person other than a person accused of a non-bailable offence, he shall inform the person arrested that he is entitled to be released on bail and that he may arrange for sureties on his behalf.”

9. On bare perusal of the aforesaid provision, it appears that it is the duty of the Police Officer to forthwith communicate full particulars of the offence for which the accused is being arrested or other grounds of such arrest. This is a mandatory provision to be ensured by the arresting official. In the instant case, the IO at the time forwarding the respondent accused persons before the Court forwarded the copy of their arrest memo along with separate sheets showing compliance of Section 47.

10. I have also perused the said documents. In the arrest memo it has been specifically mentioned by the IO that separate sheet is enclosed and also in the memo of arrest signatures of the respondent accused persons have been taken along with other particulars and in the separate memo, which has been issued to the respondent accused persons as per Section 47 of the BNSS, there was a clear certificate that the grounds of arrest was duly read over to the respondent accused persons in Bengali.

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11. Now let us see the observation of the Hon'ble Supreme Court. Hon'ble Supreme Court in the over noted case in **Mihir Rajesh Shah** (supra) in para 53 observed as under:-

“53. The mode of communicating the grounds of arrest must be such that it effectively serves the intended purpose as envisioned under the Constitution of India which is to enable the arrested person to get legal counsel, oppose the remand and effectively defend himself by exercising his rights and safeguards as provided in law. The grounds of arrest must be provided to the arrestee in such a manner that sufficient knowledge of facts constituting grounds is imparted and communicated to the arrested person effectively in a language which he/she understands. The mode of communication ought to be such that it must achieve the intended purpose of the constitutional safeguard. The objective of the constitutional mandate would not be fulfilled by mere reading out the grounds to the arrested person, such an approach would be antithesis to the purpose of Article 22(1).”

12. From the aforesaid observation, it appears that the Hon'ble Apex Court observed that the grounds of arrest must be provided to the arrestee in such a manner that sufficient knowledge of facts constituting grounds is imparted and communicated to the arrested persons effectively in a language which he or she understands. The mode of communication ought to be such that it must achieve the intended purpose of the constitutional safeguards. The objective of the constitutional mandate would not be fulfilled by mere reading out the grounds to the arrested persons and such an approach would be antithesis to the purpose of Article 22(1). Similarly, in para 54 & 55 the Hon'ble Apex Court further observed as under:-

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“54. There is no harm in providing the grounds of arrest in writing in the language the arrestee understands, this approach would not only fulfil the true intent of the constitutional mandate but will also be beneficial for the investigating agency to prove that the grounds of arrest were informed to the arrestee when a challenge is made to the arrest on the plea of non-furnishing of the grounds of arrest.

55. This Court is of the opinion that to achieve the intended objective of the constitutional mandate of Article 22(1) of the Constitution of India, the grounds of arrest must be informed to the arrested person in each and every case without exception and the mode of the communication of such grounds must be in writing in the language he understands.”

13. From the said observation, it further appears that the mode of communication of such grounds must be in writing in the language the accused person understands. Here, in the separate sheets supplied to the respondent accused persons, as per Section 47 of BNSS, it appears that although the said communication was issued in English language to the respondent accused persons but at the same time, it was explained to the respondent accused persons in Bengali, as stated earlier, and, all the respondent accused persons had also put their signatures in English on the body.

14. So after going through the observation of the Hon’ble Apex Court it appears to this Court that only on the ground that the communication was made in English language and the certificates appended thereto mentioning that the same has been explained to the respondent accused persons in Bengali, which the Learned Trial Court failed to

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appreciate; rather in the order sheet Learned Trial Court specifically stated that the grounds of arrest was issued in English language instead of Bengali language and accordingly granted bail to the respondent accused persons was not proper in the considered opinion of this Court. It appears that the Learned Trial Judge has failed to interpret the observation of the Hon'ble Apex Court in the aforementioned case for which the order delivered by Learned Trial Court needs to be interfered with.

15. The respondent accused persons were in custody for a certain period. Further, from the record it appears that the respondent accused persons were produced before the Court on 29.11.2025 and thereafter, by an order dated 05.01.2026 they were enlarged on bail by the Learned Trial Court. From the record further it appears that the case is at the stage of DC & FC.

16. So after hearing both the sides, it appears that the order dated 05.01.2026 passed by Learned Special Judge suffers from infirmity and the same needs to be interfered with.

17. Accordingly the order dated 05.01.2026 passed by Learned Special Judge, NDPS Dhalai District, Ambassa stands quashed and set aside. The respondent accused persons namely **Sumanta Das, Joyel Das** and **Hydar Hossain** shall surrender before the Learned Trial Court on or before 05.08.2026, failing which the Learned Trial Court shall take all necessary steps to ensure their attendance and it is further ordered that Learned Trial Court after receiving back the case record, shall proceed for disposal of the case in accordance with law at the earliest convenience.

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18. Send down the record to the Learned Trial Court along with a copy of this judgment/order.

19. Return back the CD to the IO through Learned PP, if any, along with a copy of this order.

With these observations, this present petition stands disposed of.

Pending applications if any, also stands disposed of.



सत्यमेव जयते

JUDGE