

**HIGH COURT OF TRIPURA****AGARTALA****BA 81 of 2026**

Bishal Debbarma,
S/o Ranjit Debbarma of Paschim Champamura,
P.O. Paschim Champamura,
P.S. Boudhjangnagar,
District-West Tripura,
Tripura, 799008.

---Applicant/ Petitioner.

On behalf of
Rajat Debbarma of Paschim Champamura,
P.O. Paschim Champamura,
P.S. Boudhjangnagar,
District-West Tripura,
Tripura, 799008.

---Accused person.

Versus

The State of Tripura

--- Respondent.

For the Applicant/Petitioner(s): Ms. Megha Sarkar, Advocate.

For the Respondent(s) : Mr. Raju Datta, P.P.

HON'BLE MR. JUSTICE S. DATTA PURKAYASTHA

ORDER

28.04.2026

Heard learned counsels of both sides.

2. The bail application is filed on behalf of accused Rajat Debbarma in connection with Agartala GRPS Case No. 2025 GRP 034, registered under Sections 20(b)(ii)(C)/25/29 of NDPS Act.

3. The case is concerning commercial quantity of contraband articles.

4. Learned counsel, Ms. Megha Sarkar appearing for the petitioner strenuously argues that in the arrest memo the ground of arrest was mentioned only as “reference to above” by the I.O. Learned counsel further submits that by the said words, it is easily discernible that nothing was communicated to the accused regarding his ground of arrest and most mechanically the I.O. prepared the arrest memo. Therefore, learned counsel prays for bail of the accused person on the ground of violation of Article 22(1) of the Constitution of India.

5. Learned P.P. produces the case diary and opposes the bail prayer submitting that a separate sheet giving details of the ground of arrest was communicated to the accused which was received by him under his own signature.

6. Learned counsel, Ms. M. Sarkar also submits that ground of arrest was also not communicated to the family members of the accused person in writing. In support of her contentions, learned counsel relies on a decision of Hon’ble Supreme Court in the case of **Vihaan Kumar vs. State of Haryana & Anr., (2025) 5 SCC 799** wherein in a supplementing note, His Lordship Hon’ble Mr. Justice N. Kotiswar Singh made an observation that the requirement of communicating the grounds of arrest in writing is not only to the arrested person, but also to the friends, relatives or such other person as may be disclosed or nominated by the arrested person, so as to make the mandate of Article 22(1) of the Constitution meaningful and effective failing which, such arrest may be [emphasis laid] rendered illegal.

7. However, in the main part of the judgment it was held that requirement of informing a person arrested, grounds of arrest is a mandatory requirement of Article 22(1). The information of the grounds of arrest must be provided to the arrested person in such a manner that sufficient knowledge of the basic facts constituting the grounds is imparted and communicated to the arrested person effectively in the language which he understands.

8. On asking by the Court, learned counsel, Ms. Sarkar submits that before the Trial Court on first production of the accused person, no such plea was taken at that time. As it appears, even in the present bail

application also, no such plea is taken. Therefore, such plea appears to be afterthought. Learned counsel, Ms. Sarkar again raises another issue that the ground of arrest was not communicated to the accused person in his own language, and therefore, he could not understand such ground of arrest which was written in English. But, such plea appears to be contradictory because the first submission of learned counsel, Ms. Sarkar was that the ground of arrest was not at all communicated to him but, now it is being submitted that the ground of arrest was not communicated to the accused in the language understandable to him. However, seeing the arrest memo and the document of communication of ground of arrest, it appears that the accused person himself has signed the same in English language. Therefore, all the submission appears to be without any merit. In the case diary, a document is available to show that the ground of arrest was communicated to the accused person in an effective and detailed manner.

9. Hence, the bail prayer stands rejected. The bail application, is accordingly, disposed of.

10. Return the C.D. to the learned P.P. and the Trial Court Record alongwith a copy of this order.

JUDGE