

HIGH COURT OF TRIPURA
A G A R T A L A
B.A. No.131 of 2026

Roman Hussain, aged 29 years.
S/O Nurul Islam, resident of Thammamura, P.S. Jatrapur, District Sepahijala, Tripura.

..... Accused person in custody/Petitioner(s)
- Versus -

The State of Tripura
.....Respondent(s)

For the Petitioner(s)	:	Mrs. Anjana Medhi Dey, Advocate. Mr. Suraj Dhanuk, Advocate.
For the Respondent(s)	:	Mr. Raju Datta, P.P. Mr. S. Saha, Addl. P.P.

HON'BLE MR. JUSTICE S. DATTA PURKAYASTHA
ORDER

16/07/2026

This bail application is filed by the petitioner praying for his release on regular bail in connection with Jatrapur PS case No.08 of 2026 registered under Sections 20(b)(ii)(C)/25/29 of the NDPS Act.

[2] As per FIR, on 19.02.2026, on the basis of a secret information, the police authority of Jatrapur P.S. conducted raid and search in a vehicle bearing No. TR 01D 3432 (MAXX DI) on Barkhola to Rangamura road and recovered total 138 kg of dry ganja. The driver of the vehicle fled away but the police authority could manage to detain another person from the said vehicle. The petitioner was arrested on 05.05.2026 and since then he is in custody.

[3] Mrs. Anjana Medhi Dey, learned counsel for the petitioner submits that notice under Section 48 of the BNSS was not served properly as mandated by law and grounds of arrest was also not communicated to the family members or near relatives of the accused-petitioner in writing.

[4] Mrs. Dey, learned counsel in this regard relies on the supplementing notes of His Lordship, Hon'ble Mr. Justice N. Kotiswar Singh in the case of ***Vihaan Kumar vs. State of Haryana and another, (2025) 5 SCC 799*** wherein it is observed by His Lordship 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 rendered illegal. Learned counsel further relies on two other decisions of Gauhati High Court in the cases of ***Aslam Hussain vs. the State of Assam (Bail Appln. No.1498 of 2025 decided on 13.05.2025)*** and ***Firoj Alom and another vs. the State of Assam (Bail Appln. No.2813 of 2025 decided on 17.09.2025)***.

[5] Mr. Raju Datta, learned P.P. by submitting the case diary contends that the petitioner has not submitted the second page of a vital document i.e. the notice to inform grounds of arrest to the accused under Section 47 of the BNSS, in this bail application which leads to suppression of important facts of the case misleading the judicial process. Learned P.P. also submits that father of the accused-petitioner has duly signed the arrest memo which itself clearly shows that the fact of such arrest was duly communicated to him too. Mr. Datta, learned P.P. also relies on a decision of this Court in case of ***Smt. Susmita Shukla Das vs. Union of India (BA No.95 of 2026 decided on 03.06.2026)***. It is also argued by learned P.P. that earlier the present petitioner was once booked in another case bearing No. Jatrapur P.S. case 19 of 2020 concerning narcotic drugs and there are also sufficient incriminating materials against the present accused person in this case in respect of commercial quantity of narcotic item.

[6] Court has considered the submission of both sides and also perused the materials available in the record as well as in the case diary.

[7] In ***Vihaan Kumar (supra)*** as indicated above, the Hon'ble Supreme Court held that the requirement of informing the person arrested of the grounds of arrest is not a mere formality but a mandatory constitutional requirement. It is the fundamental right of every person arrested and detained

in custody to be informed of the grounds of arrest as soon as possible. It is also further held that the information of the grounds of arrest must be provided to the arrested person in such a manner that sufficient knowledge of the facts constituting the grounds of arrest is imparted and is communicated to the arrested person effectively in the language which he understands.

[8] In the supplementing notes, His Lordship, Hon'ble Mr. Justice N. Kotiswar Singh further observes in said decision that said constitutional mandate has been incorporated in the statute under Section 50, CrPC and the provision of requirement for communicating the grounds of arrest, to be purposeful, is also required to be communicated to his friends, relatives or such other persons of the accused as may be disclosed or nominated by him for the purpose of giving such information as provided under Section 50A of CrPC. It is also further observed by His Lordship that the purpose of inserting Section 50A of CrPC, making it obligatory on the person making arrest to inform about the arrest to his friends, relatives or other persons nominated by the arrested person, is to ensure that they would be able to take immediate and prompt actions to secure the release of the arrested person as permissible under the law.

[9] This Court in **Smt. Susmita Shukla Das (supra)** in detail discussed the issue relying on the said decision of Hon'ble Supreme Court rendered in **Vihaan Kumar (supra)** and also other related decisions of the Apex Court observes that grounds of arrest must be communicated to the arrestee in writing and same should be communicated in the language which is understandable by him. The very purpose of communicating the grounds of arrest to the accused person is to enable him to know for what reason he has been arrested and also to enable him to take proper defence and to seek effective legal assistance for defending him against any petition for his remand and also for his bail and also to take other recourses of law. It becomes more effective and of more aid to him when such grounds of arrest are communicated to his near relatives or friends or any person nominated by him to be informed of the fact of his arrest. As the arrestee remains behind the bar, communicating of such grounds of arrest to his relatives, friends or nominated person gives better opportunity to him to defend his case through such relatives, friends or nominated person. Therefore, it is required to be examined

from the attending facts and circumstances of each case whether the Constitutional requirement of Article 22(1) in respect of a particular accused person is satisfactorily met up or not.

[10] Mrs. Medhi Dey, learned counsel relies on a decision of Gauhati High Court in case of **Firoj Alom (supra)**. In said case, a W.T. message was sent to one station house office Thoubal in Manipur by the arresting authority requesting them to inform the family members of the arrestee. In that context, the High Court held that nothing was there to show that the grounds of arrest were communicated in writing to the family members/friends/nominated persons of the petitioners and arrest memo was also not brought to the notice of the family members or friends or any nominated person of the accused. In that context, the High Court held that sending a W.T. Message to the Officer-in-Charge of the concerned police station, where the family members of the petitioners are stated to reside, in itself does not fulfil the requirement of “communicating the grounds of arrest” to the family members/friends/nominated persons of the accused and ultimately granted bail. In **Aslam Hussain (supra)**, one of the grounds amongst the other grounds taken by the accused person was that ground of arrest were not mentioned in the arrest memo, inspection memo as well as in the notice issued under Section 47/48 BNSS which resulted in violation of Articles 21 & 22(1) of the Constitution. Ultimately, the High Court found that ground of arrest was not communicated to the accused or his family members at the time of his arrest and accordingly granted bail to the accused person.

[11] In the case in hand, however on perusal of the case diary, it is seen that there are prima facie incriminating materials that the present accused was the driver of the seized vehicle wherefrom commercial quantity of contraband item was recovered and when police tried to detain the said vehicle, he fled away. There are also materials in the case diary that the grounds of arrest was duly communicated to the accused furnishing sufficient particulars of the accusation. Said communication of grounds of arrest consist of two pages but the petitioner in this case has submitted the first page and as it appears, he has withheld the second page of the same to give an impression that grounds of arrest was not communicated to the accused person. Said communication of grounds of arrest consisting of two pages is also available in

the Trial Court record. Such conduct of the petitioner is misleading and deprecated. He has not approached the Court with clean hands. It also appears from the arrest memo that father of the accused person signed the arrest memo itself who was informed about the fact of said arrest. Prima facie, it also creates an impression that he was present along with the accused person when such arrest was made. Therefore, there is no reason to infer that the family members of the accused person were kept in dark and that they did not have the opportunity to defend the case of the accused person in the Court where the accused was first produced. Thus, Constitutional mandate of Article 22(1) appears to be sufficiently complied with by the arresting officer. Considering all these aspects, the Court finds no reason to allow the bail application of the accused person accepting the plea as raised on his behalf. Accordingly, the bail prayer is rejected.

Return the case diary to learned P.P. with a copy of this order.

Also reconsign the Trial Court record along with a copy of this order.

The bail application is disposed of accordingly.

JUDGE