

HIGH COURT OF TRIPURA

A G A R T A L A

BA No.17 of 2026

Sri Sanjit Kumar,

Son of Mangal Shaw, aged about 23 years, resident of Bank Bishnupur, P.O. + P.S. Danduri, District Begusarai, Bihar, PIN 851211.

The accused person being lodged in judicial custody, the present petition is preferred and presented by the brother of accused person, named above:

.....**Applicant(s)**

Sri Ramu Kumar,

Son of Mangal Shaw, aged about 21 years, resident of Bank Bishnupur, P.O. + P.S. Danduri, District Begusarai, Bihar, PIN 851211.

.....**Accused Person(s)**

- V e r s u s -

The State of Tripura

.....**Respondent(s)**

For the Applicant(s) : Mr. Sankar Lodh, Advocate.

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

HON'BLE MR. JUSTICE S. DATTA PURKAYASTHA

ORDER

22/01/2026

Heard learned counsel of both sides.

[2] The bail application has been pressed by Mr. Sankar Lodh, learned counsel on a single point that ground of arrest was not communicated to the accused in terms of the decision of ***Pankaj Bansal vs. Union of India and others; (2024) 7 SCC 576*** pronounced on 03.10.2023 and other subsequent judgments passed by Hon'ble Supreme Court in this regard. Mr. Lodh, learned counsel also refers to the FIR submitted in this case by one police officer namely, Bimal Nama on 17.06.2024 alleging that on that day when he was discharging his duties at Agartala Railway station he detained the petitioner Ramu Kumar on suspicion and on search total 21 kg of suspected ganja in 18 packets were recovered from him thereafter.

[3] The FIR was registered as Agartala GRPS case No.66 of 2024 under Sections 22(b)(ii)(C)/29 of the NDPS Act.

[4] The police authority accordingly investigated the case and submitted the charge sheet against the sole accused Ramu Kumar under Section 20(b)(ii)(C) of NDPS Act. Since after his arrest on 17.06.2024, the accused petitioner is in custody. Mr. Lodh, learned counsel also submits that earlier said ground was taken before learned Special Judge on 04.12.2025 but learned Special Judge did not pass any order on that point and casually rejected the bail application observing on the ground that the accused was repeatedly changing his engaged advocate and moreover, charge sheet was filed. Mr. Lodh, learned counsel, therefore, earnestly prays for bail on the ground of violation of Article 22(1) of the Constitution of India.

[5] Mr. Raju Datta, learned P.P., however, opposes the prayer submitting that there are prima facie materials against the accused person that he was carrying commercial quantity of contraband items and the investigation also culminated with the similar findings. Learned P.P. further submits that though in the FIR it is mentioned that grounds of arrest were communicated to the accused and his family members but except the arrest memo, no other document is found available in the record that any other separate communication was made by the investigation officer to the accused in this regard.

[6] Considered the submission of both sides and also gone through the relevant records.

[7] It is found that the accused is an illiterate person and therefore, his thumb impression was taken on the arrest memo and in the arrest memo, ground of arrest was shown as "reference to the above". For better demonstration, the entire arrest memo is extracted hereunder:

"ARREST MEMO

1. District- West Tripura, P.S. Amtali, Year 2024
FIR No/other reference RPF/POST/AGTL, DDE No.23
Dated 17/06/24
2. Date and time of arrest: On 17/06/24 at about 16.10 hrs.
3. Place of arrest : At Parcel Office, Agartala Rly Station
4. Particulars of the person arrested
 - a) Name : Ramu Kumar
 - b) Father's/Husband's name: S/O Sri Mangal Shaw
 - c) First alias :

d) Second alias	:	
e) Other alias	:	
f) Nationality	:	Indian
g) i) Passport No., if any	:	SC
ii) Date of issue	:	
iii) Place of issue	:	
iv) Period of validity	:	
h) Religion	:	Hindu
i) Caste (ST/SC/Gen)	:	SC
j) Permanent address with Dist. P.S./Vill etc.	:	Vill. Bank Visnupur, Po+PS Dandori, Distr. Begusarai, Bihar
k) Present address with Dist P.S./ and Village etc.	:	
5. Grounds of arrest	:	Reference to the above
6. Injury if any present on the body of the arrested of the time of arrest	:	Nil
7. a) Whether the arrestee is made aware that he has a right to inform same one of arrest	:	Yes
b) Name and address of the person informed as to arrest on the request of the arrestee	:	Sri Sonoj Kumar, Friend of A/P
8. Name and full particulars of the witnesses (at least one witnesses should be a member of the family of the arrestee or a respectable person of the locality from where the arrest is made	:	
9. Counter signature of the arrestee	:	LTI of Ramu Kumar
A) Date 17/6/24		B) Time of arrest 16.10 hrs.
10. Signature of arresting official	:	Sd/ Bimal Nama
Name	:	Bimal Nama
Rank	:	ASI/RPF/AGTL
Number, if any	:	
Place	:	Agartala Railway Station
Date	:	17/06/24”

[8] Already, it is settled by the Hon'ble Supreme Court in different decisions as catalogued by this Court in ***Smt. Anita Nama for and on behalf of Sri Ratan Nama Sudra vs. the State of Tripura and another; WP(Crl) No.04 of 2025*** decided on **08.07.2025** that ground of arrest should be communicated to the arrested person in writing and though in every case, it may not be practicable to convey the grounds of arrest in writing but if the arrested person alleges non-compliance with the requirements of Article 22(1),

the burden will always be on the Investigating Officer/Agency to prove compliance of the requirement of Article 22(1) of the Constitution and also that, such arresting authority shall have to show that grounds of arrest containing basic facts constituting such grounds are communicated to the arrested person effectively in the language which he understands.

[9] In view of above, nothing satisfactory could be shown from the side of prosecution that ground of arrest was communicated to the present accused. The arresting authority ought to have been more cautious when they found that the accused was an illiterate person. Considering that, the arrest is held to be illegal entitling the accused petitioner to get bail. However, it is a bit disturbing to note that despite specific plea taken by the defence in this regard on 04.12.2025, learned Special Judge did not even make any sort of discussion on the said point and even has taken note of fact of changing of advocates by the accused repeatedly to justify the rejection of bail prayer.

[10] In view of the above discussion, the bail application is allowed.

[11] The accused namely, Ramu Kumar may go on bail on furnishing a bond of Rs.1,00,000/- with one surety of like amount to the satisfaction of the learned Special Judge, Court No.1, West Tripura, Agartala on condition that:

सत्यमेव जयते

- (i) the surety must be a resident of Tripura,
- (ii) the accused will not leave the jurisdiction of learned Special Judge, West Tripura, Agartala without previous permission of the learned Special Judge,
- (iii) he will not try to terrorize or influence any witness of the case, and
- (iv) he will regularly attend the Court to face trial.

In terms of the above discussions and directions, the bail application is disposed of.

Return the case diary with copy of this order.

Also reconsign the Trial Court record.

Send a copy of this order to learned Special Judge immediately.

JUDGE

HIGH COURT OF TRIPURA



Rudradeep