



IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH

MONDAY, THE 22ND DAY OF JUNE 2026 / 1ST ASHADHA, 1948

BAIL APPL. NO. 3236 OF 2026

CRIME NO.314/2026 OF VALAPPAD POLICE STATION, THRISSUR

PETITIONER/ACCUSED NO.1:

SREELAKSHMY
AGED 30 YEARS
D/O SUNIL, CHIRAYATH HOUSE, THANNYAM DESOM AND
VILLAGE, PERINGOTTUKARA P.O., THRISSUR DISTRICT,
PIN - 680565.

BY ADV SMT.ANUPAMA SUBRAMANIAN

RESPONDENT/STATE/COMPLAINANT:

STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF
KERALA, PIN - 682031.

SRI.M.P.PRASANTH, PP

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
22.06.2026, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:



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‘C.R.’**ORDER**

This application is filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 , seeking regular bail.

2. The applicant is the accused No.1 in Crime No.314/2026 of Valappad Police Station, Thrissur District. The offence alleged is punishable under Section 20(b)(ii)(C) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, the NDPS Act).

3. The prosecution case, in short, is that on 23.03.2026 at about 21:55 hours, the applicant was found in possession of 2.270 kilograms of hashish oil for sale in contravention of the NDPS Act and Rules. It is alleged that the said hashish oil was supplied by the accused No.2 to the applicant.

4. I have heard Smt. Anupama Subramanian, the learned counsel for the applicant and Sri. M.P. Prasanth, the learned Public Prosecutor. Perused the case diary.

5. The learned counsel for the applicant submitted that the applicant is innocent and has been falsely implicated in



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the present case. The learned counsel further submitted that the grounds of arrest were not properly communicated to the applicant and her relatives in terms of Article 22(1) of the Constitution and Sections 47 and 48 of the BNSS. The counsel also submitted that no materials are on record to connect the applicant with the alleged crime; hence, she is entitled to bail. On the other hand, the learned Public Prosecutor submitted that the alleged incident occurred as a part of the intentional criminal acts of the applicant, and she is not entitled to bail at this stage. The learned Public Prosecutor further submitted that there is no infraction of Article 22(1) of the Constitution or Sections 47 and 48 of the BNSS, as alleged by the applicant.

6. The applicant was remanded to judicial custody on 24.03.2026. Since the quantity involved is commercial, the jurisdiction of the Court to grant bail is circumscribed by the provisions of Section 37 of the NDPS Act. The said provision makes bail in matters which involve commercial quantity of narcotic drugs or psychotropic substance conditional on what is often called the “twin test”: first, the Public Prosecutor must be given an opportunity to oppose the application, and second, when opposed, the court must be satisfied that there are



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reasonable grounds for believing that the accused is not guilty of the offence and is not likely to commit any offence while on bail.

7. A perusal of the case diary would reveal that the accusation against the applicant is very serious, and it *prima facie* shows a premeditated criminal act on her part. The contraband was seized from the house where the applicant and her husband, who is the accused No. 2, reside. A reading of the seizure mahazar as well as the First Information Report would show that the contraband was kept in the bedroom of the applicant. Having considered the submissions and after having gone through the materials on record, I am afraid that there are no substantial or probable causes for believing that the applicant is not guilty of the offences charged. The applicant has not been able to point out the existence of any such facts or circumstances as are sufficient to justify recording a finding that she is not guilty of the offences charged so as to get over the rigour of Section 37.

8. It is now well settled that the requirement of informing a person of the grounds for arrest is a mandatory requirement of Article 22(1) of the Constitution and Section 47 of BNSS, and absence of the same would render the arrest illegal



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[See. **Pankaj Bansal v. Union of India and Others** [(2024) 7 SCC 576], **Prabir Purkayastha v. State (NCT of Delhi)** [(2024) 8 SCC 254], **Vihaan Kumar v. State of Haryana and Others** (2025 SCC OnLine SC 269] and **Mihir Rajesh Shah v. State of Maharashtra and Another** (2025 SCC OnLine SC 2356)]. The Supreme Court in **Kasireddy Upender Reddy v. State of Andhra Pradesh** (2025 SCC OnLine SC 1228) has held that the grounds of arrest should not only be provided to the arrestee but also to his family members and relatives so that necessary arrangements are made to secure the release of the person arrested at the earliest possible opportunity to make the mandate of Art.22(1) meaningful and effective, failing which, such arrest would be rendered illegal. A learned Single Judge of this Court in **Alvin Riby v. State of Kerala** (2025 KER 67079), following **Kasireddy Upender Reddy** (supra) held that failure to communicate the grounds of arrest to the near relatives renders the arrest illegal. So far as the cases under the NDPS Act are concerned, this Court has consistently held that the specification of the quantity of the contraband seized is mandatory for the effective communication of the grounds of arrest [**Yazin .S. v. State of Kerala** (2025 KHC OnLine 2383),



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Rayees R.M. v. State of Kerala (2025 KHC 2086), and ***Akhil Santhosh v. State of Kerala*** (2026 KHC OnLine 1649)].

9. I have perused the case diary, which contains notices served on the applicant and her relative under Sections 47 and 48 of the BNSS. These notices show that specific grounds and reasons for arrest were communicated to both the applicant and her relative. They also mention the quantity of contraband seized from the applicant. The learned counsel for the applicant argued that, although separate grounds for arrest were provided to the applicant and her relative, they do not disclose the crime number in connection with which the applicant was arrested. It is true that those notices do not mention the crime number. However, all other relevant particulars, such as the grounds for arrest, the quantity of the contraband seized, and the sections under which the applicant is charged, are mentioned therein. In cases under the NDPS Act, if the notices under Sections 47 and 48 of the BNSS contain specific grounds and reasons for arrest as well as the quantity of the contraband seized, the mere non-mentioning of the crime number is insignificant. Thus, there has been proper communication of the grounds of arrest to the applicant and her relative.



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Considering the nature of the crime, the gravity of the offence, the complicity of the applicant in it, and the facts and circumstances mentioned above, I am of the view that the applicant cannot be released on bail at this stage. The bail application, accordingly, is dismissed.

Sd/-

DR. KAUSER EDAPPAGATH
JUDGE

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APPENDIX OF BAIL APPL. NO. 3236 OF 2026

PETITIONER ANNEXURES

**Annexure A THE TRUE COPY OF THE FIRST INFORMATION
REPORT IN CRIME NO.314/2026 OF VALAPPAD
POLICE STATION**

**Annexure B THE TRUE COPY OF THE ORDER DATED
30.05.2026 IN CRL.M.P. NO.04/2026 PASSED
BY THE LEARNED PRINCIPAL SESSIONS JUDGE,
THRISSUR**