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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.03.2026

CORAM

**THE HONOURABLE Mr. JUSTICE C.KUMARAPPAN**

Crl.O.P.Nos.3329, 4031, 4305, 4349, 2716 and 3430 of 2026

**Crl.O.P.No.3329 of 2026**

Sundar Rao

... Petitioner

Vs.

Union, Rep. by  
The Intelligence Officer,  
NCB, Chennai Zonal Unit,  
Chennai – 600 017.  
R.R.No.19 of 2023.

... Respondent

**PRAYER** : Criminal Original Petition filed under Section 483 of Bharatiya  
Nagarik Suraksha Sanhita, 2023, to enlarge on bail in C.C.No.230 of 2024 in  
R.R.No.19 of 2023 on the file of the respondent.

For Petitioner : Mr.K.Subburaj  
For Respondent : Mr.S.Vinoth Kumar  
Government Advocate (Crl.Side)

**Crl.O.P.No.4031 of 2026**

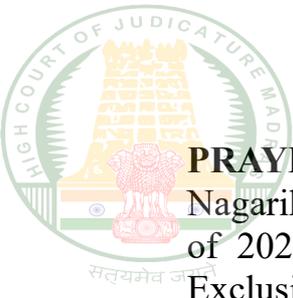
Akkala Siva Kottaiah

... Petitioner

Vs.

Union of India  
Rep. by Intelligence Officer,  
Narcotic Control Bureau,  
Chennai Zonal Unit,  
Chennai.

... Respondent



**PRAYER** : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in C.C.No.230 of 2024 pending on the file of the learned II Additional Special Court for Exclusive Trial of Cases under NDPS Act, Chennai.

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For Petitioner : Mr.S.Kasirajan  
For Respondent : Mr.S.Vinoth Kumar  
Government Advocate (Crl.Side)

**Crl.O.P.No.4305 of 2026**

Abraham Bhatra ... Petitioner  
Vs.

The State represented by  
The Inspector of Police,  
PEW Guduvancherry Police Station,  
Chengalpet District.  
(Crime No.55 of 2024)

... Respondent

**PRAYER** : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in C.C.No.521 of 2024 on the file of the II Additional Special Court for EC & NDPS Act at Chennai.

For Petitioner : Mr.S.Kasirajan  
For Respondent : Mr.S.Vinoth Kumar  
Government Advocate (Crl.Side)

**Crl.O.P.No.4349 of 2026**

Batu Golory ... Petitioner  
Vs.

The State represented by  
The Inspector of Police,  
PEW Guduvancherry Police Station,  
Chennai.  
(Crime No.55 of 2024)

... Respondent



**PRAYER** : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in C.C.No.521 of 2024 on the file of the II Additional Special Court for EC & NDPS Act at Chennai.

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For Petitioner : Mr.S.Kasirajan  
For Respondent : Mr.S.Vinoth Kumar  
Government Advocate (Crl.Side)

**Crl.O.P.No.2716 of 2026**

Shri Gireesh Juyal ... Petitioner

Vs.

Union of India

Represented by the Intelligence Officer,  
Directorate of Revenue Intelligence,  
No.27. G.N.Chetty Road,  
T.Nagar, Chennai – 600 017.

... Respondent

**PRAYER** : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in C.C.No.894 of 2024 on the II Additional Court Special Court EC and NDPS Cases at Chennai pending on the file of the respondent.

For Petitioner : Mr.S.Kasirajan  
For Respondent : Mr.S.Vinoth Kumar  
Government Advocate (Crl.Side)

**Crl.O.P.No.3430 of 2026**

Shanmuganandham ... Petitioner

Vs.

The State represented by,  
The Inspector of Police,  
NIBCID Kancheepuram Police Station,  
Kancheepuram.  
Crime No.23 of 2024.

... Respondent

**PRAYER** : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner/accused on bail in C.C.No.356 of 2025 pending on the file of the learned Special Court under (EC) and NDPS Act Cases, Chennai.



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For Petitioner : Mr.S.Kasirajan

For Respondent : Mr.S.Vinoth Kumar  
Government Advocate (Crl.Side)

**COMMON ORDER**

In all these cases, a common contention raised by the petitioners is that, the “grounds of arrest” has not been furnished to them. In this regard, the petitioners relied upon the following judgements of the Hon’ble Supreme Court of India.

(i) *Vihaan Kumar Vs. State of Haryana*, reported in (2025) 5 SCC 799.

(ii) *PrabirPurkayastha Vs. State (NCT of Delhi)* reported in 2024 INSC 414.

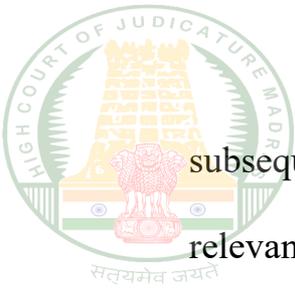
(iii) *KasiredyUpender Reddy Vs. State of Andhrapradesh&Ors* reported in 2025 INSC 768.

(iv) *Ahmed Mansoor&Ors Vs. The State Rep. By, Assistant Commissioner of Police &Anr (Criminal Appeal No.4505 of 2025 [@ SLP (Crl.) No.198 of 2025 dated 14.10.2025)*

(v) *Pankaj Bansal Vs. Union of India*, reported in (2024) 7 SCC 576.

2. For the purpose of effective adjudication upon the legal defence raised by the petitioners, it is necessary to examine the basic factual aspects of each bail application, namely whether the present application is the first or

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subsequent one, the date of remand, the fate of the earlier applications and other relevant factors. The said particulars are, therefore, tabulated hereunder:-

Sl. No	Case Number/ Name of the accused	C.C.No/ Crime No	Offences and Contraband quantity	Number of previous bail applications	Date of arrest
1.	Crl.O.P. No.3329 of 2025 Sundar Rao	C.C.No.230 of 2024 in R.R.No.19 of 2023	Sections 8(c) r/w 20(b) (ii) (c), 25, 27A, 28 and 29 of NDPS Act Commercial Quantity of 160 kgs of Ganja	3 previous bail applications were dismissed by this Court on 23.07.2024, 26.04.2024 and 25.06.2024	23.06.2023
2.	Crl.O.P. No.4031 of 2026 Akkala Siva Kottaiah	C.C.No.230 of 2024 in R.R.No.19 of 2023	Section 8(c) r/w Sections 20(b) (ii) (c), 25, 27A, 28 and 29 (1) of NDPS Act, 1985 Commercial Quantity of 160 kgs of Ganja	1 previous application was dismissed by this Court on 28.11.2025	14.06.2023
3.	Crl.O.P. No.4305 of 2026 Abraham Bhatra	C.C.No.521 of 2024 in Crime No.55 of 2024	Sections 8(c), 20(b)(ii)(c) and 29(1) of NDPS Act. Commercial Quantity of 104 kgs of Ganja	4 previous applications were dismissed by this Court on 23.09.2024, 19.11.2024, 02.01.2025 and 03.11.2025	19.02.2024
4.	Crl.O.P. No.4349 of 2026 Batu Golory	C.C.No.521 of 2024 in Crime No.55 of 2024	Sections 8(c), 20(b)(ii)(c) and 29(1) of NDPS Act. Commercial Quantity of 64 kgs of Ganja	3 previous bail applications were dismissed by this Court on 13.11.2024, 17.06.2025 and 24.07.2025	19.02.2024
5.	Crl.O.P.No. 2716 of 2026 Shri Griesh Juyal	C.C.No.894 of 2024	Sections 8(c), 22(c), 23(c), 28 and 29 of NDPS Act r/w provision of the Customs Act, 1962. Commercial Quantity of 3.559 kgs of Heroin	No previous bail application before this Court	24.04.2024
6.	Crl.O.P.No. 3430 of 2026 Shanmugan andham	C.C.No.356 of 2025 in Crime No.23 of 2024	Section 8(c) r/w 20(b) (ii) (c), 25 and 29(1) of NDPS Act. Commercial Quantity of 64 kgs of Ganja	No previous bail application before this Court	17.10.2024



3. On a perusal of the above tabular statement, it is amply clear that the plea regarding non-furnishing of the grounds of arrest was not raised either at the time of arrest or immediately thereafter. According to the said tabular statement, the petitioners raised the said plea only after a considerable lapse of time, ranging from a minimum period of one year to a maximum period of four years. Except Sl.Nos.5 and 6, in other matter the defence of grounds of arrest were not taken in the previous bail applications. It is also seen that the petitioners have undergone incarceration for varying periods. Except, capturing the above fact, this Court is not inclined to go into the veracity of the aforesaid factual aspects, since the same have been referred to only for the limited purpose of indicating the conduct of the parties.

4. Admittedly, in all these cases, “the grounds of arrest” were not furnished to the petitioners and they were served only with the “arrest memo”. The Hon’ble Supreme Court of India in various judgement has clearly distinguished between the “grounds of arrest” and the “arrest memo”, and has held that both cannot be equated. In such circumstances, this Court proceeds to consider the effect of non-furnishing of the grounds of arrest to the case in hand, in the above factual matrix.



5. At this juncture, it is relevant to refer to the judgement of the Hon'ble

Division Bench of the Bombay High Court in ***RajrishiBindawat Vs. State of***

***Maharashtra***, reported in ***2024 SCC OnLineBom 3660***. The said judgement

was carried in appeal before the Hon'ble Supreme Court in ***Mihir Rajesh Shah***

***Vs. State of Maharashtra***, reported in ***(2026) 1 SCC 500***. According to the

judgement of Bombay High Court in ***RajrishiBindawat's case*** (cited supra),

when the grounds of arrest were within the knowledge of the petitioners by their

conduct, they cannot be permitted to take advantage of the plea that the “written

grounds of arrest” were not given to them. In the above judgement, the Division

Bench of the Bombay High Court has observed that an exception can be made

in such circumstances. The High Court held that the accused therein were fully

aware of their consequences of their gruesome act committed by them against

the victims, and therefore, were not entitled to claim the benefit flowing from

the judgement of the Hon'ble Supreme Court.

6. The aforesaid finding of the Bombay High Court was carried in appeal

in SLP (Crl.) No.17132 of 2024 ***Mihir Rajesh's case*** (cited supra). By the daily

order dated 13.12.2024, the Hon'ble Supreme Court observed that, prima facie,

it did not find any error in the judgement of the Division Bench. However, the

appeal was entertained for the limited purpose of considering the legal position



involved in the matter. In order to substantiate the above discussion, it would be appropriate to extract the relevant portion of the judgement of the Hon'ble

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Supreme Court of India in ***Mihir Rajesh Shah Vs. State of Maharashtra***, reported in **(2026) 1 SCC 500**, which reads as follows: -

5. *The remand proceedings saw the appellant being produced before the Judicial Magistrate First Class with initial police custody extending subsequently into judicial custody; a course contested on the grounds that the grounds of arrest were not furnished in writing as mandated by Article 22(1) of the Constitution of India and Section 47 of BNSS 2023 equivalent to Section 50 CrPC.*

6. *The appellant's challenge against the legality of arrest was ultimately considered by the High Court of Bombay in Mihir Rajesh Shah v. State of Maharashtra<sup>3</sup> wherein, vide judgment dated 25-11-2024<sup>3</sup>, the High Court of Bombay, notwithstanding the acknowledgment of this procedural lapse, upheld the validity of arrest due to the appellant's conscious awareness of the gravity of the offence, supported by substantial evidence and the appellant's evasion of arrest, thereby justifying custody despite the missing written grounds. The appellant approached this Court challenging the judgment of the Bombay High Court contending that grounds of arrest as mandated under Section 47 of BNSS 2023 were not informed to him in writing.*

7. *This Court, while considering the special leave petition recorded that the Court is not inclined to entertain the petition on its merits and issued notice only to the extent of considering the*



*question of law/legal position.....”*

As per the above observation, it is amply clear that when the accused were fully aware of the consequences of their gruesome conduct, they cannot be allowed to take advantage of the procedural lapse, if any, on the part of the Investigating Agency.

7. The Hon'ble Supreme Court of India, in various judgements relied upon by the petitioners, more particularly in *Vihaan Kumar Vs. State of Haryana*, reported in (2025) 5 SCC 799 and *Pankaj Bansal Vs. Union of India*, reported in (2024) 7 SCC 576, has held the constitutional safeguard guaranteed under Article 22(2) of the Constitution of India is sacrosanct and stands on a higher footing akin to the protection envisaged under Article 22(5) of the Constitution of India.

8. At this juncture, it is also relevant to refer to the judgement of the Hon'ble Supreme Court of India in State of *Karnataka Vs. Sri Darshan*, reported in 2025 SCC OnLine SC 1702, wherein the Hon'ble Supreme Court has delineated the circumstances under which the delay in furnishing the grounds of arrest, by itself would not constitute a valid ground for grant of relief. For ready reference, the relevant portion the judgement in *Sri Darshan's case* (cited supra), is extracted hereunder: -

*20.1.3. The constitutional and statutory framework thus mandates that the arrested person must be informed of the*

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*grounds of arrest – but neither provision prescribes a specific form or insists upon written communication in every case. Judicial precedents have clarified that substantial compliance with these requirements is sufficient, unless demonstrable prejudice is shown.*

*20.1.4. In Vihaan Kumar v. State of Haryana<sup>22</sup>, it was reiterated that Article 22(1) is satisfied if the accused is made aware of the arrest grounds in substance, even if not conveyed in writing. Similarly, in Kasireddy Upendar Reddy v. State of Andhra Pradesh<sup>23</sup>, it was observed that when arrest is made pursuant a warrant, reading out the warrant amounts to sufficient compliance. Both these post- Pankaj Bansal decisions clarify that written, individualised grounds are not an inflexible requirement in all circumstances.*

*20.1.5. While Section 50 Cr. P.C. is mandatory, the consistent judicial approach has been to adopt a prejudice-oriented test when examining alleged procedural lapses. The mere absence of written grounds does not ipso facto render the arrest illegal, unless it results in demonstrable prejudice or denial of a fair opportunity to defend.*

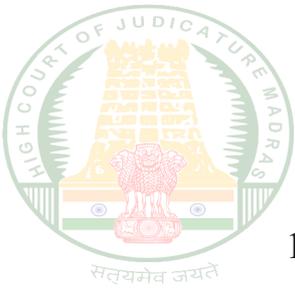
*20.1.6. The High Court, however, relied heavily on the alleged procedural lapse as a determinative factor while overlooking the gravity of the offence under Section 302 IPC and the existence of a prima facie case. It noted, inter alia, that there was no mention in the remand orders about service of memo of grounds of arrest (para 45); the arrest memos were allegedly template-based and not personalised (para 50); and eyewitnesses*



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*had not stated that they were present at the time of arrest or had signed the memos (para 48). Relying on Pankaj Bansal v. Union of India<sup>24</sup> and PrabirPurkayastha v. State (NCT of Delhi) (supra), it concluded (paras 43, 49 – 50) that from 03.10.2023 onwards, failure to serve detailed, written, and individualised grounds of arrest immediately after arrest was a violation entitling the accused to bail.*

9. Though in *Sri Darshan's case* (cited supra), it was contended that there was delay in furnishing the grounds of arrest and that the accused was entitled to raise a defence on the ground of such non-furnishing, the Hon'ble Supreme Court has held that the accused must necessarily demonstrate prejudice suffered by them due to such lapse. It was further observed that, in cases involving procedural lapses, the consistent judicial approach is the test of prejudice. Upon consideration of the arrest memo and the remand records, the Hon'ble Supreme Court found that no material had been placed on record to establish that any prejudice was occasioned on account of the alleged procedural lapse. The Hon'ble Supreme Court after taking note of the conduct and swift reaction of the accused in filing bail application shortly after arrest, held that mere non-furnishing of the grounds of arrest in the absence of demonstrable prejudice, would not ipso facto render the custody illegal nor would it, by itself, entitle the accused to the grant of bail.



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10. In order to analyse whether any prejudice has been caused to the petitioners, it is necessary to examine the basis on which the requirement to furnish the grounds of arrest in writing was evolved. In other words, it is relevant to advert to the development of “grounds of arrest” jurisprudence. As held in *Pankaj Bansal’s case* (cited supra), the underlying object is that, upon being made aware of the grounds of arrest, the arrested person would be in a position to effectively place his defence before the Court, including the contention that there are no valid grounds for remand and to seek appropriate relief, including bail.

11. In the present case, the petitioners are involved in offences under the Narcotic Drugs and Psychotropic Substances Act involving commercial quantity. Section 37 of the NDPS Act imposes stringent conditions for grant of bail, that the Court must be satisfied, after affording an opportunity to the Public Prosecutor to oppose the application for release, that there are reasonable grounds for believing that the accused is not guilty of the alleged offence and that he is not likely to commit any offence while on bail.

12. The learned counsel appearing for the petitioners would contend that, inasmuch as the petitioners were not furnished with the “grounds of arrest”, they

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were not in a position to effectively defend themselves before the learned Remand Judge or to seek bail. It is further submitted that the judgment in

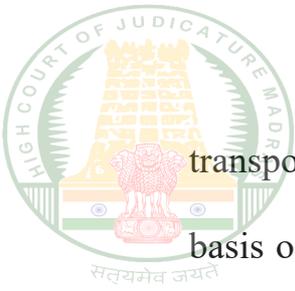
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**Pankaj Bansal's case** (cited supra), dated 03.10.2023, has subsequently been clarified by the Hon'ble Supreme Court in **Ram Kishor Arora Vs. Directorate of Enforcement**, reported in **2023 SCC OnLine SC 1682**, wherein, in paragraph No.8, it has been observed that the ratio laid down in **Pankaj Bansal's case** would operate prospectively.

13. Reliance was also placed on the judgment of the Hon'ble Supreme Court in **PrabirPurkayastha Vs. State (NCT of Delhi)**, reported in **MANU/SC/0435/2024**, wherein, in paragraph No.19, it has been emphatically held that informing the arrested person of the grounds of arrest is a salutary and sacrosanct safeguard, as such information constitutes the only effective means enabling the arrested person to consult his Advocate, oppose police custody remand and seek bail.

14. However, the learned Government Advocate (Crl. Side) appearing for the respondents, placing reliance upon the judgments in **Sri Darshan's case** (cited supra) and **Mihir Rajesh Shah's case** (cited supra), would contend that by the accused's grave conduct, the alleged non-furnishing of the grounds of arrest would not enure to the benefit of the petitioners, inasmuch as their conduct of

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transporting of banned article would indicate that they were fully aware of the basis of their arrest. It is further contended that, in view of apprehension raised

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in various judgements about the furnishing of grounds of arrest and it's time, and the judgement in ***Mihir Rajesh Shah's*** case (cited supra) has held that the requirement regarding mandatory compliance in furnishing the grounds of arrest would apply only prospectively from the date of the judgment in ***Mihir Rajesh Shah's case*** (cited supra) and, since all these petitioners were arrested prior thereto, they will not derive any advantage on the ground of non-furnishing of the grounds of arrest.

15. In ***Vihaan Kumar's case*** (cited supra), while reiterating the principles laid down in ***Pankaj Bansal's case*** (cited supra) and ***PrabirPurkayastha's case*** (cited supra), observed that it may not be practicable in certain situations to communicate the grounds of arrest in writing, and the same would depend upon the facts and circumstances of each case. After adverting to the jurisprudence relating to the furnishing of grounds of arrest as discussed in various earlier judgments, the Hon'ble Supreme Court in ***Mihir Rajesh Shah's case*** (cited supra), at paragraph No.38, has observed as follows:

“38. *The objective enshrined in Article 22(1) of the Constitution of India for furnishing grounds of arrest stems from the fundamental principle of providing opportunity to a person to*



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*allow him to defend himself from the accusations that are levelled against him leading to his arrest. The salutary purpose of informing the grounds of arrest is to enable the person to understand the basis of his arrest and engage legal counsel to challenge his arrest, remand or seek bail and/or avail of any other remedy as may be available to him/her under law.”*

Therefore, the entire jurisprudence relating to the furnishing of the grounds of arrest is founded on the salutary object of enabling the arrested person to understand the basis of his arrest and to engage legal counsel for the purpose of challenging the arrest, opposing remand or seeking bail.

16. It is to be noted that the mode and manner of giving grounds of arrest have not been statutorily prescribed. In this regard, it would be appropriate to extract the relevant portion of the judgment of the Hon'ble Supreme Court of India in *Mihir Rajesh Shah's case* (cited supra), which reads as follows:-

*“58. It is by now settled that if the grounds of arrest are not furnished to the arrestee in writing, this non-compliance will result in breach of the constitutional and statutory safeguards hence rendering the arrest and remand illegal and the person will be entitled to be set at liberty. The statute is silent with regard to the mode, nature or the time and stage at which the grounds of arrest has to be communicated. Article 22 says "as soon as may be" which would obviously not mean prior to arrest but can be on arrest or thereafter. The indication is as early as it can be*



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*conveyed. There may be situations wherein it may not be practically possible to supply such grounds of arrest to the arrested person at the time of his arrest or immediately.*

*59. It may so happen that in the presence of a police officer a cognizable offence is being committed and the factual matrix presents a tangible and imminent risk of the suspect absconding or committing further offence(s). For instance, in a case involving a murder being committed in front of a police officer, it may not be possible for the officer to provide the grounds of arrest in writing before the arrest or forthwith on the arrest to the accused. A **rigid insistence upon informing of written ground(s) of arrest before or at the time of effecting the arrest or immediately thereafter may result into police officer not being able to discharge their duty and responsibility efficiently and effectively.***

*60. The constitutional safeguards, valuable as they are, cannot be interpreted in a manner so as to allow it to metamorphose into a procedural impediment that handicaps the law enforcing agencies in due lawful discharge of their duties. Therefore, a balance between compliance of the constitutional as also the statutorily mandated safeguards on the one hand vis-à-vis the effective discharge of lawful statutory law enforcement duties and responsibilities cast upon the State agencies must be struck.”*

17. In paragraph No.62 of the said judgment, the Hon’ble Supreme Court of India has held that, wherever the Police are already in possession of



documentary material furnishing a cogent basis for effecting arrest, the written grounds of arrest ought to be furnished to the accused. However, in cases where

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the arrest is effected in the course of the commission of the offence itself, that is, in a situation of *flagrante delicto*, the communication of the grounds of arrest in writing may not be practicable. Even in such circumstances, it has been observed that the grounds of arrest may be furnished at a later point of time, but sufficiently in advance, at least two hours prior to the production of the arrested person before the learned Magistrate.

18. After an elaborate discussion on the various facets of the jurisprudence relating to the furnishing of grounds of arrest, the Hon'ble Supreme Court, in paragraph No.68 of *Mihir Rajesh Shah's case* (cited supra), has also adverted to the absence of any consistent or binding requirement mandating written communication of the grounds of arrest in all cases and has ultimately held as follows:-

*“68. We are cognizant that there existed no consistent or binding requirement mandating written communication of the grounds of arrest for all the offences. Holding as above, in our view, would ensure implementation of the constitutional rights provided to an arrestee as engrafted under Article 22 of the Constitution of India in an effective manner. Such clarity on obligation would avoid uncertainty in the administration of*



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*criminal justice. The ends of fairness and legal discipline therefore demand that this procedure as affirmed above shall govern arrests henceforth.*”

19. According to the above observations, the requirement regarding the mandatory furnishing of the grounds of arrest and the procedure stipulated in the judgment of the Hon’ble Supreme Court in *Mihir Rajesh Shah’s case* (cited supra) would govern arrests effected henceforth, namely, from the date of the said judgment, i.e., 06.11.2025. Therefore, in cases where the offence is committed in the presence of the Police Officials, the question of furnishing the grounds of arrest in the manner stipulated in *Mihir Rajesh Shah’s case* (cited supra) would arise only in respect of arrests effected subsequent to the judgement of *Mihir Rajesh Shah’s case* (cited supra) date. In the case in hand, as stated supra, all the arrests were effected prior to the date of the said judgment.

20. However, the learned counsel appearing for the petitioners would contend that, in view of Article 141 of the Constitution of India, the law declared by the Hon’ble Supreme Court is binding and constitutes the law of the land. It is further submitted that when the *Pankaj Bansal’s case* (cited supra), had elaborately held on the point of the grounds of arrest, the same would be



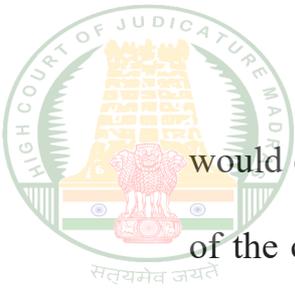
binding on a subsequent co-equal Bench. On that basis, it is contended that the judgment in *Mihir Rajesh Shah's case* (cited supra) would have no application

in the case in hand.

21. A careful reading of the observations made in *Mihir Rajesh Shah's case* (cited supra) would show that the Hon'ble Supreme Court has taken note of the earlier judgments including *Pankaj Bansal's case* (cited supra), on the subject and has only explained the practical difficulties faced by the prosecution. The Hon'ble Supreme Court has also prescribed a procedural framework to be followed prospectively, which would take effect from the date of the said judgment.

22. In all the above cases, according to the prosecution, on the basis of secret information, the accused were intercepted and searched, and during such search, the commission of the offence came to light and thereafter they effected the arrest. Therefore, while analysing the petitioners' conduct as per the observations made by the Division Bench of the Bombay High Court in *RajrishiBindawat's case* (cited supra), which were subsequently approved by the Hon'ble Supreme Court of India in *Mihir Rajesh Shah's case* (cited supra). The conduct of the accused in transporting ganja is evident that, their conduct would inevitably result in their arrest. According to the prosecution, the petitioners were found by their very conduct of transporting commercial quantity of narcotic substance, they were conscious of it's consequences that

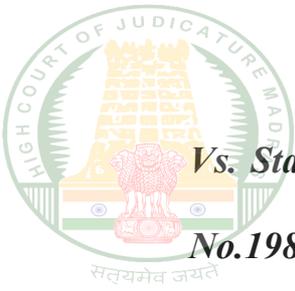
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would ensue. Thus, in view of the detailed discussion made above, this Court is of the considered opinion that the petitioners cannot seek to rely upon the plea regarding non-furnishing of the grounds of arrest as a basis to claim bail.

23. At this juncture, the learned counsel appearing for the petitioners placed reliance upon an order passed by a learned Single Judge of this Court (*Crl.O.P.No.17119 of 2025*), wherein, upon consideration of a similar issue, it was held that the petitioners therein were entitled to be enlarged on bail on the ground that the grounds of arrest had not been furnished. In this regard, reliance was placed on the order of the learned Single Judge in *Crl.O.P.No.17119 of 2025 (Saikam Kiran Kumar Vs. Union of India) dated 30.01.2026*. However, it is seen that the latest judgment of the Hon'ble Supreme Court of India in *Mihir Rajesh Shah's case* (cited supra), rendered on 06.11.2025, had not been brought to the notice of the learned Single Judge. When there is a Hon'ble Supreme Court judgement on the same subject, I am bound to follow the same.

24. The learned counsel appearing for the petitioners would further contend that the decision in *Sri Darshan's case* (cited supra) would not apply to the present bail matters, as the said case arose out of proceedings for cancellation of bail. In this connection, reliance was also placed upon the judgment of the Hon'ble Supreme Court of India in *Ahmed Mansoor & Others* 20/25



*Vs. State, represented by the Assistant Commissioner of Police in SLP (Crl.)*

*No.198 of 2025*, which arose from a judgment of a Division Bench of this

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Court. On a careful consideration of the factual matrix in *Ahmed Mansoor's case* (cited supra), it is seen that the accused therein had challenged his arrest immediately on 23.05.2024 on the ground that non-furnishing of the grounds of arrest and demonstrated his prejudice in availing legal assistance.

25. In one of the case in hand, qua Crl.O.P.No.2716 of 2026, the very conduct of the petitioner, from whose digestive tract 29 capsules of narcotic substance were recovered, is more than sufficient to demonstrate his conscious concealment of the contraband would result in arrest. Further, the petitioner did not raise any plea regarding non-furnishing of the grounds of arrest before the learned Special Court and has chosen to raise the said contention only by filing the present petition before this Court in January 2026.

26. In Crl.O.P.No.3480 of 2026, though a co-accused has been enlarged on bail, the petitioner cannot seek parity, as the present petitioner is alleged to be the principal offender and a recovery of 200 kgs of ganja was effected from him alone, and his very alleged act and conduct of transporting such huge quantity of contraband would, by itself, be sufficient to infer that the petitioner was aware of the basis of his arrest. It is pertinent to mention that, the petitioner

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did not raise any plea regarding non-furnishing of the grounds of arrest before the learned Special Court and has taken such a plea only by filing the present petition before this Court in February 2026.

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27. In addition to the above aspect, the jurisprudence relating to the furnishing of written grounds of arrest, as laid down by the Hon'ble Supreme Court of India in *Pankaj Bansal's case* (cited supra), pronounced on 03.10.2023, is also required to be taken note of. In the light of the said judgment, the petitioners in Crl.O.P.No.3329 of 2025 and Crl.O.P.No.4031 of 2026 cannot derive any benefit therefrom, inasmuch as their arrests had been effected prior to the pronouncement of the judgment *in Pankaj Bansal's case* (cited supra).

28. In the above case also, as in the other connected cases referred to above, the plea regarding non-furnishing of the grounds of arrest was not raised in the first instance but was taken only in the subsequent bail applications. This clearly indicates that, at the time of filing the initial bail applications, the petitioners did not suffer any impediment or difficulty in effectively defending their case.



29. Apart from the above, in all the cases in hand, the arrests were effected prior to the judgment of the Hon'ble Supreme Court in *Mihir Rajesh*

*Shah's case* (cited supra). Therefore, the petitioners cannot take advantage of the plea regarding non-furnishing of the grounds of arrest in all these cases, which are in the nature of *flagrante delicto*, and such requirement was made applicable only with effect from 06.11.2025. Hence, the grounds urged by the petitioners for grant of bail are liable to be rejected.

30. In view of the foregoing detailed discussion, and also in the absence of any material to satisfy the rigour of Section 37 (1) (b) (ii) of the Act, this Court is constrained to dismiss these petitions as the petitioners did not make out any case for bail. Accordingly, these Criminal Original Petitions stand dismissed.

17.03.2026

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Index : Yes

Speaking order

Neutral Citation : Yes

**Note:**

1. Registry is directed to forthwith upload this order in the Official Website of this Court.
2. All concerned to act on this order being uploaded in Official Website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in the official website of this Court will be watermarked and will also have a QR code.

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To:

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1. The II Additional Special Court for Exclusive Trial of Cases under NDPS Act, Chennai.
2. The II Additional Special Court for EC & NDPS Act at Chennai.
3. The Special Court under (EC) and NDPS Act Cases, Chennai.
4. The Intelligence Officer,  
NCB, Chennai Zonal Unit,  
Chennai – 600 017.
5. The Intelligence Officer,  
Union of India  
Narcotic Control Bureau,  
Chennai Zonal Unit,  
Chennai.
6. The Inspector of Police,  
PEW Guduvancherry Police Station,  
Chengalpet District.
7. The Inspector of Police,  
PEW Guduvancherry Police Station,  
Chennai.
8. The Intelligence Officer,  
Union of India  
Directorate of Revenue Intelligence,  
No.27. G.N.Chetty Road,  
T.Nagar, Chennai – 600 017.
9. The Inspector of Police,  
NIBCID Kancheepuram Police Station,  
Kancheepuram.
10. The Public Prosecutor, High Court of Madras.

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VERDICTUM.IN

CrI.O.P.Nos.3329, 4031, 4305, 4349, 27  
3430 of 2026



**C.KUMARAPPAN, J.**

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CrI.O.P.Nos.3329, 4031, 4305,  
4349, 2716 and 3430 of 2026

**17.03.2026**

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