



WEB COPY

CRL OP No. 33963 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01-04-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL OP No. 33963 of 2025

K.Reena

..Petitioner(s)

Vs

Union of India
Narcotics Control Bureau,
Through Intelligence Officer,
Narcotics Control Bureau,
Chennai Zonal Unit,
Chennai.
R.R.No.69 of 2023

..Respondent(s)

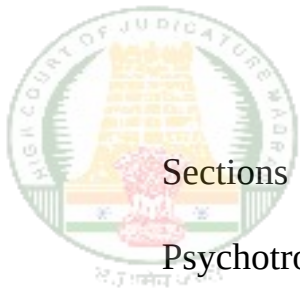
Criminal Original Petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, of 439 of Criminal Procedure Code, to enlarge the petitioner on bail in C.C.No.547 of 2024 pending on the file of Ist Additional Special Court under NDPS and EC Act cases in Chennai.

For Petitioner(s): Mr.A.Nirmal Kumar Sharma

For Respondent(s): Mr.N.P.Kumar
Special Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 01.01.2024 for the alleged offences punishable under Section 8(c) read with



Sections 22(c), 23(c), 25, 27(A), 28 and 29 of the Narcotic Drugs and Psychotropic Substances (NDPS) Act, 1985, in RR.No.69 of 2023 on the file of the respondent, seeks bail.

2. According to the prosecution, acting on secret information received on 28.12.2023, the Narcotics Control Bureau (NCB), Chennai, conducted a search involving one Kalaimani, who was allegedly supplying contraband from Manipur. During the operation, 11 kilograms of methamphetamine were found concealed within the door panel cavities of a vehicle bearing Registration No.MN 04 P 0303 near Imphal, Manipur. Subsequent investigation revealed the petitioner's involvement, she being the wife of Kalaimani, specifically in providing the tools used to open the door panels for concealing or retrieving the contraband. Hence, the present case was registered.

3. The learned counsel for the petitioner would submit that though the incident occurred on 28.12.2023, the arrest was made only on 01.01.2024. It is further contended that in the intervening period, the petitioner was neither formally arrested nor produced before a Judicial Magistrate. It is further contended that the grounds of arrest were not furnished to her, violating Article 22(1) of the Constitution of India. The learned counsel also submitted that A8 was granted bail by this Court on 11.12.2024 and prayed for grant of bail.



4. The said contention was strongly opposed by the learned Special Public Prosecutor appearing for the respondent, who submitted that 11 kilograms of methamphetamine was recovered from a car in which the petitioner was travelling with A5 and A6, who are her husband and brother, respectively. The learned Special Public Prosecutor further submitted that the petitioner was summoned to the NCB, Chennai, on 29.12.2023, her confession was recorded on 30.12.2023, and she was subsequently arrested on 01.01.2024.

5. The learned Special Public Prosecutor objected the contentions raised by the petitioner that she was in illegal custody during the intervening period. Furthermore, it was argued that the defence regarding the non-service of grounds of arrest is inapplicable, as the arrest preceded the relevant judicial mandates. Relying on the judgment of the Hon'ble Supreme Court of India in ***Mihir Rajesh Shah vs. State of Maharashtra***¹, the learned Special Public Prosecutor submitted that while furnishing written grounds are now mandatory, the requirement operates prospectively.

6. I have given my anxious consideration to the submissions made by the learned counsel on either side.

7. No doubt, the petitioner has been in incarceration since 01.01.2024.

¹ (2025 INSC 1288)



However, as rightly contended by the learned Special Public Prosecutor, there was a recovery of commercial quantity (11 kilograms) of methamphetamine from a vehicle in which the petitioner travelled with her immediate family. Despite the argument of the learned counsel for the petitioner that her role was limited to providing tools, the learned Special Public Prosecutor rightly contended that her presence and relationship with the other occupants shows conscious possession and awareness of the smuggling activity.

8. Regarding the grounds of arrest, the Hon'ble Supreme Court in **Mihir Rajesh Shah's** case cited *supra*, while evolving the jurisprudence on arrest and referring to the judgment in **Vihaan Kumar v. State of Haryana**², took into consideration the absence of a prescribed format and the practical difficulties in serving written grounds of arrest in cases arising out of *in flagrante delicto*. Consequently, the Court held that the requirement for written communication of the grounds of arrest shall apply prospectively.

9. Therefore, this Court is of the firm view that since the petitioner's arrest preceded the pronouncement in **Mihir Rajesh Shah's** case cited *supra*, the defence of non-service of written grounds is inapplicable. Furthermore, as this case involves a commercial quantity of 11 kilograms of methamphetamine, the rigours of Section 37 of the NDPS Act apply. The petitioner has failed to

² (2025 INSC 162)



provide any material or submission sufficient to overcome these statutory rigours, in respect of the recovery of the contraband from the vehicle in which she travelled.

10. Accordingly, the Criminal Original Petition is dismissed.

01-04-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

To

- 1.The I Additional Special Court under NDPS and EC Act Cases, Chennai.
- 2.The Superintendent, Special Central Prison for Women, Puzhal, Chennai.
- 3.The Intelligence Officer, Narcotics Control Bureau, Chennai Zonal Unit, Chennai.
- 4.The Special Public Prosecutor, High Court of Madras, Chennai.



WEB COPY

CRL OP No. 33963 of 2



C.KUMARAPPAN, J.

Jeni

CRL OP No. 33963 of 2025

01-04-2026