

Crl.O.P.(MD)Nos.12136 and 11338 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15.07.2026

PRESENT

THE HONOURABLE MR. JUSTICE K. RAJASEKAR

CRL OP(MD). Nos.12136 and 11338 of 2026

Sakila ...petitioner in Crl.O.P.(MD).No.12136 of 2026

Anjana Bheham ...petitioner in Crl.O.P.(MD).No.11338 of 2026

Vs

State of Tamil Nadu rep. by
The Inspector of Police,
PEW Thirumangalam Police Station,
Madurai District.
(Crime No.27 of 2026)

...Respondent/Complainant in both petitions

For petitioners : Mr.SMA.Jinnah
Advocate

For Respondent : Mr.T.Lenin Kumar
Counsel for State of TN (Crl. Side)

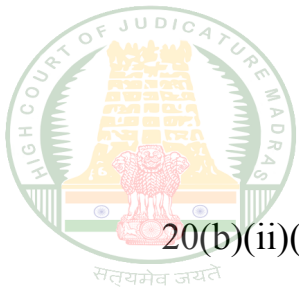
PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For Bail in Cr.No. 27 of 2026 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners / Accused, who were arrested and remanded to judicial custody on 10.03.2026, for the offences punishable under Sections 8(c) r/w.



Crl.O.P.(MD)Nos.12136 and 11338 of 2026

20(b)(ii)(c), 25, 29(1) of NDPS Act, in Crime No.27 of 2026 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the petitioners are ranked as A2 and A3 and on 10.03.2026, at about 14.00 hours, on receipt of prior information, the respondent police intercepted a swift tourist car bearing Registration No. TN 66 AR 4197 near Pudukkulam Junction, Nagamalai Pudukkottai, on the Madurai–Virudhunagar Highway, After complying with the mandatory provisions under the NDPS Act, the vehicle was searched, during which 21 kilograms of ganja was recovered from the car. Since the petitioners were travelling in the said vehicle along with the contraband, they were arrested and remanded to judicial custody.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they were falsely implicated in this case and they have not committed any offence as alleged by the prosecution. The learned counsel for the petitioners further submitted that both the petitioners hailing from old Delhi and do not know the Tamil language. They do not know either to speak or understand Tamil. They had come to Madurai in connection with housekeeping work. It was contended that, though the respondent claims to



Crl.O.P.(MD)Nos.12136 and 11338 of 2026

have complied with the mandatory provisions of the NDPS Act, all the search, seizure and arrest proceedings were conducted in Tamil, which is not a language known to the petitioners. It was further submitted that the grounds of arrest and the arrest intimation were not furnished or explained to the petitioners in a language known to them. Therefore, there is a clear violation of Article 22(1) of the Constitution of India and the mandatory requirements under Section 52-A of the NDPS Act. The petitioners are in custody from 10.03.2026 and ready to abide any condition imposed by this Court. Hence, he prayed bail for the petitioners.

4.The learned Counsel appearing for the State reiterated the prosecution case and relying upon the statement of A1, submitted that though the petitioners do not know the Tamil language, the entire search, seizure and arrest proceedings were explained to them in Hindi with the assistance of one Thiru Balamurugan, Head Constable No.191. Therefore, according to the prosecution, there is no violation of any mandatory provision of law. Hence, prays to dismiss the bail application.

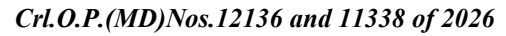
5.This Court has carefully considered the rival submissions and perused the records, particularly the documents said to have been prepared during the

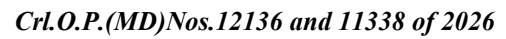


Crl.O.P.(MD)Nos.12136 and 11338 of 2026

search, seizure and arrest. The arrest intimation issued under Section 52 of the NDPS Act is admittedly in Tamil. Though the signatures of the petitioners are found in the said document, there is no endorsement indicating that the contents were explained to them in a language known to them, particularly in Hindi. The prosecution has relied upon the arrest intimation to contend that the contents were explained with the assistance of Thiru Balamurugan, Head Constable No. 191. However, no statement of the said police constable has been produced before this Court to establish that he had in fact translated and explained the mandatory provision explaining the grounds of arrest and the other documents to the petitioners in Hindi. In the absence of such material, the prosecution has failed to substantiate its contention that the petitioners were made aware of the proceedings in a language known to them and also intimating grounds of arrest in the language known to them.

6.For better understanding the search memo under Section 50 and arrest memo under Section 52-A of NDPS Act supplied to the petitioners, read as follows:



[illegible][illegible]

1) Neobiont

Q1) f.d. by



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7.A careful perusal of the arrest memo further reveals that it merely states that, since the petitioners were found in possession of ganja, they were arrested. It does not contain the basic particulars relating to the search, seizure or the circumstances leading to their arrest. More importantly, neither the arrest memo nor the grounds of arrest contain any endorsement to show that the contents were explained to the petitioners in Hindi or in any language known to them.

8.In view of the above, this Court is of the view that the mandatory requirement of communicating the grounds of arrest in a language understood by the arrested persons has not been satisfactorily complied with. Such non-compliance amounts to a violation of the constitutional safeguard guaranteed under Article 22(1) of the Constitution of India, as explained by the Hon'ble Supreme Court in its judgments in *Mihir Rajesh Shah vs. State of Maharashtra and another* [2025 LiveLaw (SC) 1066] and *Vihaan Kumar vs. State of Haryana and another* [2025 INSC 162] .

9.The Apex Court in *Vihaan Kumar vs. State of Haryana and another* [2025 INSC 162] has held that, the Article 22(1) of the Constitution of India mandates that the information about the grounds of arrest to be provided to the



Crl.O.P.(MD)Nos.12136 and 11338 of 2026

arrested person in such a manner, that sufficient context of the basic facts constituting the grounds is important and communicated to the arrested person.

It further reads that the burden of compliance of Article 22(1) is on the persons, who is exercising the power of arrest.

10.Further this Court is of the view that, after passing of the judgment in *Mihir Rajesh Shah's case*, it is mandatory on the part of the every arresting officer to intimate the grounds of arrest in writing in the language he/ she understands, it is a constitutional mandate and informing the arrestee the grounds of arrest is mandatory in all offences under all statutes. Further it is held that the communications of this grounds of arrest in all the offences has to be given to the arrestee at the earliest, which means that it need not be given at the time of arrest but within the reasonable time.

11.Considering the above violation, the facts and circumstances of the case, and the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners, subject to certain conditions.

[a] Accordingly, the petitioners are ordered to be released on bail on condition to execute a bond for a sum of Rs.15,000/- (Rupees Fifteen Thousand only) each with two sureties each for a like sum to



Crl.O.P.(MD)Nos.12136 and 11338 of 2026

the satisfaction of the learned **Additional District Judge/Principal**

Special Court for Trial of EC and NDPS Act Cases, Madurai, and

on further conditions that:

[b] the petitioners shall **report before the Additional District Judge/Principal Special Court for Trial of EC and NDPS Act Cases, Madurai, at 10.30 a.m., on all working days until further orders;**

[c] the petitioners shall not commit any offence similar to the offence of which he/she is accused, or suspected, or of the commission of which he/she is suspected;

[d] the petitioners shall not abscond either during investigation or trial;

[e] the petitioners shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade her from disclosing such facts to the Court or to any police officer or tamper with the evidence;

[f] On breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned



Crl.O.P.(MD)Nos.12136 and 11338 of 2026

Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 51730].

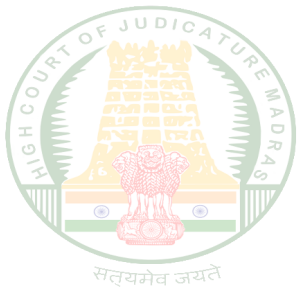
[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 BNS.

(K R S J)
15.07.2026

TM

To

- 1.The Additional District Judge/Principal Special Court for Trial of EC and NDPS Act Cases, Madurai.
- 2.The Inspector of Police,
PEW Thirumangalam Police Station,
Madurai District. (Crime No.27 of 2026)
- 3.The Superintendent, District Jail, Madurai.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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Crl.O.P.(MD)Nos.12136 and 11338 of 2026

K. RAJASEKAR, J.

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ORDER
IN
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