



Crl.O.P.(MD)No.13885 of 2026

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K. RAJASEKAR, J.,

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Today the matter has been listed under the caption '*for being mentioned*'.

2.It is stated that though there are two petitioners, the order passed in Crl.O.P.(MD).No.13885 of 2026, dated 27.07.2026, reflects only the first petitioner.

3.Considering the submissions made by the learned counsel, Registry is directed to issue fresh order copy by adding the name of “*Mohamed Mydeen*” as second petitioner in the cause title and replacing the paragraphs 1 to 10 in the order copy dated 27.07.2026 in Crl.O.P.(MD).No.13885 of 2026 as follows:

“The petitioners/Accused, who were arrested and remanded to judicial custody on 04.06.2026, for the offences punishable under Sections 8(c), 21(c), 29(1) of NDPS Act, in Crime No.215 of 2026 on the file of the respondent police, seek bail.

2. The allegation against the petitioners is that on secret information the respondent police went to the scene of occurrence and found that the petitioners along with other accused are in possession of codeine phosphate 10 bottles and Hydrochoerid syrup 2 bottles, 100 m bottles, Alprazolam Tablet 9. Hence, the case was and the accused were



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arrested.

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. He would further submit that the petitioners were arrested 04.06.2026. No grounds of arrest has been given to the petitioners either in writing or by oral at the time of arrest. He would submit that it was served only recently i.e., on 20.07.2026, one month delay from the date of arrest. The petitioners are ready to co-operate with the investigation. Hence, he prayed bail for the petitioners.

4. The learned Counsel appearing for the State reiterated the prosecution case and reported that the petitioners were arrested on 04.06.2026 and the arrest intimation was served on them at the time of arrest and later the grounds of arrest has also been served upon them. Investigation in this case is still pending. He opposed the grant of bail to the petitioners.

5. This Court heard both sides and perused the materials available on record.

6. I have gone through the intimation of arrest. It is bereft of details regarding the basic facts such as date, place of occurrence and manner in which occurrence taken place,



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etc., Though the learned counsel appearing for the State would submit that the grounds of arrest has been served later, it was served only recently, i.e., one month later.

*7. This Court is of the view that the mandatory requirement of communicating the grounds of arrest 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]**.*

*8.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 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.*

*9.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/*



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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.

10.Considering the above violation, the facts and circumstances of the case, this Court is of the view that the petitioners are entitled for bail. Accordingly, considering 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.20,000/- (Rupees Twenty Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Sessions Judge, Principal Special Court for NDPS Act Cases, Madurai, and on further conditions that:

[b] the petitioners shall report before the learned Sessions Judge, Principal Special Court for 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



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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 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."

29.07.2026

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