

Crl.O.P.(MD)No.14303 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28.07.2026

PRESENT

THE HONOURABLE MR. JUSTICE K. RAJASEKAR

CRL OP(MD). No. 14303 of 2026

1.Abilashguru
2.Alisha Nayak

... Petitioners

Vs

State of Tamil Nadu rep. by
The Inspector of Police,
Neyveli Township Police Station,
Cuddalore District.
(Crime No.18 of 2026)

...Respondent/Complainant

For petitioners : Mr.S.Kasirajan
Advocate

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

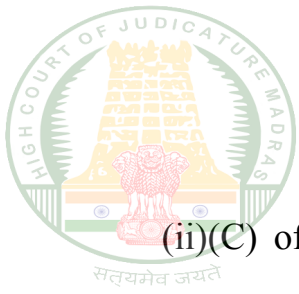
PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For Bail in Cr.No. 18 of 2026 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners / Accused, who was arrested and remanded to judicial custody on 24.01.2026 for the offences punishable under Sections 8(C), 20(b)



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(ii)(C) of NDPS Act, in Crime No.18 of 2026 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that, on 24.01.2026 at about 6.00 a.m., based on prior information, the police party intercepted and surrounded five persons near the Neyveli Old Arch Gate, in the forest area. After complying with the mandatory provisions, search and seizure were conducted, and 21 kgs. of ganja was recovered. The petitioners, along with the other accused, 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. He further submitted that both the petitioners hail from the State of Odisha. Though the search, seizure and other procedures were conducted, the documents were prepared only in the Tamil language, and the petitioners were not aware of the Tamil language. He further submitted that the documents, including the grounds of arrest, were not properly served on them in a language known to them. He further submitted that the co-accused, who are similarly placed, were also released on bail by this Court in Crl.O.P.No.10387 of 2026 (A3) dated



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15.06.2026 and Crl.O.P.No.11641 of 2026, dated 24.06.2026 (A4). Hence, he prayed to grant bail. The petitioners are in custody from 24.01.2026 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 reported that the final report has already been filed, and the case has been taken on file in C.C.No.49 of 2026 on the file of the Special Court, Thanjavur. He further submitted that copies of the entire case records have already been served on the petitioners on 23.06.2026, and the case has been posted for framing of charges. Since the petitioners were found in possession of the contraband, they are not entitled to bail. Hence, he opposed the grant of bail.

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

6. I have carefully considered the rival submissions. This Court, while considering the bail applications of A3 and A4 in the above Criminal Original Petitions, observed as follows:



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“Crl.O.P.(MD).10387 of 2026:

“6.Considering the rival submissions made by the learned counsel on either side, considering the nature of charges levelled against the petitioner, though the prosecution has stated that the quantity involved in this case is commercial quantity, the contraband was recovered from Co-accused and no contraband has been recovered from this petitioner, only on the basis of the confession statement of the co-accused this petitioner has been implicated in this case, co-accused has also been released on bail, though the prosecution has stated that the petitioner has some previous cases including NDPS Act Cases, the petitioner has produced the records in respect of the Crime No.151 of 2025 in Panrutti Police Station and Crime No.144 of 2024, Thiruppapuliur Police Station, in which, the petitioner has arrayed as accused, in respect of other cases mentioned by the prosecution, he was already granted bail in those cases, and considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions:”

Crl.O.P.(MD).11641 of 2026:

“6. Considering the rival submissions made by the learned counsel on either side, considering the nature of charges levelled against the petitioner, the quantity involved in this case is commercial quantity, the



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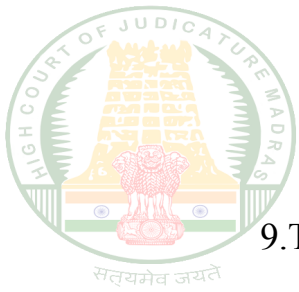


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contraband was recovered from A1 and no contraband has been recovered from this petitioner, on the basis of the confession statement of the co-accused this petitioner has been implicated in this case, co-accused namely A1 has also been released on bail, though the prosecution has stated that the petitioner has 3 previous cases, the same are not similar kind of offences and in all other cases already he was granted bail, and considering the period of incarceration undergone by the petitioner from 24.01.2026, this Court is inclined to grant bail to the petitioner subject to the following conditions:”

7.In the present case, A5, second petitioner, is similarly placed. It is also stated that she is the wife of A1 in this case. It is further stated that there is no previous case against the second petitioner. In view of the above aspects, this Court is inclined to grant bail insofar as the second petitioner is concerned.

8.Whereas, insofar as the first petitioner is concerned, though it is contended that the grounds of arrest were not furnished in a language known to him, now the petitioner has been served with the entire copies of the case records and other relevant documents.

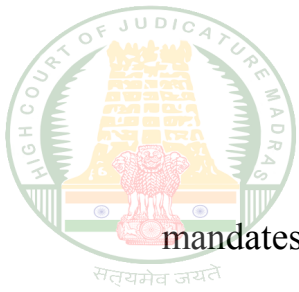


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9.This Court, on an earlier occasion, while deciding the issue relating to the non-supply of the grounds of arrest to an accused in custody, after he was served with the entire case records, has held that the petitioner has to establish that he was prejudiced by such non-supply at the relevant point of time, namely, that he was prevented from filing a bail application or effectively contesting the remand. It was further held that the petitioner has to establish the prejudice caused to him on account of the non-supply of the necessary documents, more particularly, the grounds of arrest.

10.Whereas, in the present case, this Court finds that the petitioner has already been served with the entire copies of the criminal case records, including all the materials relating to the offence. The object behind the supply of the grounds of arrest has been elaborately discussed by the Hon'ble Supreme Court in the case of *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].

11.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



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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. The relevant portion is extracted hereunder:

“16. An attempt was made by learned senior counsel appearing for 1st respondent to argue that after his arrest, the appellant was repeatedly remanded to custody, and now a chargesheet has been filed. His submission is that now, the custody of the appellant is pursuant to the order taking cognizance passed on the charge sheet. Accepting such arguments, with great respect to the learned senior counsel, will amount to completely nullifying Articles 21 and 22(1) of the Constitution. Once it is held that arrest is unconstitutional due to violation of Article 22(1), the arrest itself is vitiated. Therefore, continued custody of such a person based on orders of remand is also vitiated. Filing a charge sheet and order of cognizance will not validate an arrest which is per se unconstitutional, being violative of Articles 21 and 22(1) of the Constitution of India. We cannot tinker with the most important safeguards provided under Article 22.”



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12.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.

13.Further, in **State of Karnataka Vs. Sri Darshan reported in 2025 SCC Online 1702**, the Hon'ble Supreme Court has held that when a person seeks bail on the ground of non-supply of the grounds of arrest, he has to establish the prejudice caused to him.

14.Admittedly, in the present case, the first petitioner has approached this Court seeking bail only after receiving the entire copies of the records in the criminal case. Further, in the earlier bail order, this Court has specifically observed that the recovery was effected only from the first petitioner. Therefore, this Court is not inclined to grant bail to the first petitioner.



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Accordingly, the bail petition filed by the first petitioner is dismissed,

whereas the second petitioner is ordered to be released on bail, subject to the following conditions.

[a] Accordingly, the second petitioner is ordered to be released on bail on condition to execute a bond for a sum of Rs.15,000/- (Rupees Fifteen Thousand only) with two sureties each for a like sum to the satisfaction of the learned **Additional District and Sessions Judge, Special Court under EC & NDPS Act Cases, Thanjavur District,** and on further conditions that:

[b] **the second petitioner shall report before the learned Additional District and Sessions Judge, Special Court under EC & NDPS Act Cases, Thanjavur District, at 10.30 a.m., on all working days, for a period of three weeks, thereafter as and when required for interrogation;**

[c] the second petitioner 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 second petitioner shall not abscond either during investigation or trial;

[e] the second petitioner shall not directly or indirectly make



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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 second petitioner in accordance with law as if the conditions have been imposed and the second petitioner 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.

(K R S J)
28.07.2026

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To

- 1.The Additional District and Sessions Judge, Special Court under EC & NDPS Act Cases, Thanjavur District.
- 2.The Inspector of Police,
Neyveli Township Police Station,
Cuddalore District. (Crime No.18 of 2026)
- 3.The Superintendent, Central Jail, Cuddalore.
- 4.The Additional Public Prosecutor,

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Madurai Bench of Madras High Court, Madurai.

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K. RAJASEKAR, J.

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ORDER
IN
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Date : 28.07.2026