



Crores through “Angadia” a money transfer system on commission basis. He is arrested on 14/11/2024 and is in custody.

3. On completion of investigation, charge sheet has been filed in the competent Court by ATS, Pune, to whom the investigation was transferred on 09/01/2025.

4. The grievance of the Petitioner is about non compliance of the provisions of BNSS Act as no grounds of arrest have been communicated to the Petitioner, while effecting his arrest. The Petitioner has annexed a copy of the Arrest Memo as well as the Intimation forwarded under Section 47 (1)(2) of the BNSS Act as well as Intimation served under Section 48 of the BNSS Act dated 14/11/2024 and it is the submission advanced that there is no compliance of communication of the grounds of arrest, as contemplated under Article 22 of the Constitution of India read with Section 47 of the BNSS Act.

5. Relying upon the authoritative pronouncements of the Apex Court, declaring that it is imperative for the Officer arresting, to communicate the grounds of arrest and by relying upon the decision in case of *Pankaj Bansal vs. Union of India & Ors.* 2023 Live Law (SC) 844 and the latest decision in case of *Mihir Shah vs. State of Maharashtra & Anr.* 2025 SCC OnLine SC 2356, it is urged before us that in absence of

the grounds of arrest being communicated the arrest is illegal as it is in violation of Article 21 as well as 22 of the Constitution of India and pursuant thereto all remand orders are liable to be declared as *void ab initio*.

6. We have perused the arrest/surrender memo placed at Exhibit B of the Petition as well as the intimation received under Section 47 and 48 of the BNSS Act and on its bare reading, we can safely conclude that this is no compliance of the requirement of communicating in writing the grounds of arrest. The process adopted is, therefore, clearly in violation of Section 47 of the BNSS Act, which makes it imperative for every Police Officer or other person arresting any person without warrant to forthwith communicate to him full particulars of the offence for which he is arrested or other grounds of arrest. A clear distinction being drawn by the Apex Court in case of “Grounds of Arrest” and “Reasons of Arrest” and declaring the consequences of arrest, which is effected without the grounds of arrest being communicated. When the learned APP was asked to throw light upon the said aspect, on instructions obtained from PSI Mohan Dongare, ATS Pune, who on perusal of the necessary documents relating to arrest of the Petitioner, make a categorical statement that nothing more than

the documents which are placed on record is furnished to the Petitioner, we find that the arrest of the Petitioner is clearly in violation of Section 47 of the BNSS Act and it also violates Article 22 (1) of the Constitution of India, which direct that no person shall be arrested or shall be detained in custody without being informed, as soon as may be, the grounds of his arrest. Since we find that no attempt was made by the Officer arresting him to communicate the grounds of arrest, the arrest and his subsequent detention becomes illegal.

7. Upon a declaration that the arrest is illegal, the subsequent remand orders also cannot be sustained and upon a declaration that his arrest on 14/11/2024 is illegal, he is entitled for his release for non compliance of the procedure that is prescribed under Constitution as well as Section 47 of the BNSS Act.

As a result, Writ Petition is allowed in terms of prayer clause (b).

8. The Petitioner is directed to be released from custody, forthwith.

(SHYAM C. CHANDAK, J.)

(BHARATI DANGRE, J.)