

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO.6316 OF 2025

Mr. Sarvesh Bhatia

...Petitioner

V/s.

Union of India & Anr.

...Respondents

Adv. Aryan K. Kotwal i/b. Adv. Shubham Upadhyay, for the Petitioner.
Mr. S. R. Agarkar, APP for the Respondent-State.

**CORAM: BHARATI DANGRE, &
SHYAM C. CHANDAK, JJ.**

DATED : 01ST DECEMBER, 2025.

P. C. :-

1) The Petition seek release of the Petitioner from Judicial custody by invoking a writ jurisdiction and as it is prayed that a Writ of Habeas Corpus shall be issued as it is the claim of the Petitioner that his arrest is patently illegal and in gross violation of the Section 57 of the Bharatiya Nagarik Suraksha Sanhita, 2023 alongwith Article 22(2) of the Constitution of India, 1950.

A bare perusal of the facts placed before us would reveal that it is a claim in the Petition that the Petitioner came to be arrested at 12:00 hours on 09/08/2020, pursuant to the receipt of summons, under the accusation of recovery of Raw Liquorice Glycyrrhiza Glabra, a creamish white colour powder concealed in hollow plastic pipes.

The contention of the Petitioner is that his production before the Magistrate is beyond the timeline prescribed and it exceed 40 hours which violates Section 58 of the BNSS, 2023 [Section 57 of Criminal Procedure Code] as well as Article 22(2) of the Constitution of India which clearly contemplate that no person shall be detained, upon his arrest, more than 24 hours and shall be produced before the Magistrate within the stipulated timeline.

2) When we perused the Petition and heard the learned Counsel for the Petitioner, we apparently find that the arrest of the Petitioner is effected on 08/08/2020 and the present Petition is filed by the Petitioner on 19/11/2025 i.e., on expiry of period of more than five years. We specifically inquired with the Petitioner whether any explanation for the delay has been offered in the Petition and he fairly concede that there is none.

3) Though there is no strict period of limitation prescribed for exercise of writ jurisdiction under Article 226 of the Constitution of India and specifically when the relief sought is issuance of writ of Habeas Corpus but unexplained delay definitely compel us to restrain exercise of our jurisdiction as we find that a person who is arrested in the year 2020 maintained silence for about five years and now he approaches the Court in the year 2025 claiming that his arrest in the year 2020 was illegal.

Since we do not find any explanation offered, on the very

ground that the Petition suffers from delay and laches, which is not at all explained, we deem it appropriate to dismiss the Writ Petition.

4) Writ Petition is disposed of. No Order as to costs.

(SHYAM C. CHANDAK, J.)

(BHARATI DANGRE, J.)