

Prasad

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.1860 OF 2025

Sharad Sukhlal Patil @ Bagul	...Applicant
<i>Versus</i>	
The State of Maharashtra	...Respondent

Mr. Anil G. Lalla a/w Yash S. Pulekar and Yashvi Jain, for the
Applicant.

Mr. A.R. Kapadnis, APP for the Respondent - State.

CORAM: R. M. JOSHI, J.

DATED: 23RD APRIL, 2026.

PC:-

1. The Applicant seeks his release on bail in connection with CR No.11 of 2024, registered with DCB CID Unit 5, for offence punishable under Sections 8(c), 20(c), 27A and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 ('NDPS').

2. Learned Counsel for the Applicant submits that he is seeking bail solely on the ground that grounds of arrest were not furnished to the Applicant in writing. It is claimed that Applicant is arrested on 15th February, 2024. He drew attention of the Court to the judgment in the case of ***Pankaj Bansal Vs. Union of India and Ors.***¹ delivered on 3rd October 2023, whereby grounds of arrest are mandatorily to be given in writing to the arrestee. He further placed reliance on judgment in a case of ***Prabir***

1 (2024) 7 SCC 576

*Purkayastha Vs. State (NCT of Delhi)*² and *Vihaan Kumar Vs. State of Haryana and Anr.*

3. Learned APP opposed the application by submitting that since the Applicant was taken in custody, while he was in custody in another crime, no grounds of arrest were required to be provided to him. In any case, it is her submission that as recorded in the arrest form, the grounds of arrest were communicated to the Applicant. She took aid of the judgment of the Hon'ble Supreme Court in the case of *State of Karnataka Vs. Sri Darshan Etc.*³, to oppose grant of bail on this ground.

4. In response thereto Learned Counsel for the Applicant placed reliance on the order of Hon'ble Supreme Court in case of *Ahmed Mansoor And Ors. Vs. The State, Rep. By Assistant Commissioner of Police And Anr.*⁴ wherein after considering Sri Darshan, it is held that non-communication of grounds of arrest is fatal to the validity to the arrest itself.

5. Since admittedly no grounds of arrest are communicated to the Applicant in writing, there is non-compliance of the order of Hon'ble Supreme Court in *Pankaj Bansal (Supra)* and other judgments.

6. Similarly in view of the judgment in case of *Ahmed Mansoor (Supra)*, this Court finds no reason to accept contention of the learned APP that in view of the judgment of

² (2024) 8 SCC 254

³ Criminal Appeal Nos. 3528 – 3534 of 2025 dated 14.08.2025

⁴ Criminal Appeal No. 4505 of 2025 [@ SLP [CRL.] NO. 198/2025]

the Hon'ble Supreme Court in a case of *Sri Darshan (Supra)*, there is substantial compliance of the same.

7. In view of the above, solely on the ground that grounds of arrest are not provided to the Applicant in writing his arrest is required to be considered as illegal. Hence, following order :-

ORDER

- i) The Bail Application stands allowed.
- ii) In connection with CR No.11 of 2024, registered with DCB CID Unit 5, the Applicant be enlarged on bail, on furnishing P. R. Bond in the sum of Rs.50,000/- with one or two local sureties in the like amount, to the satisfaction of the Trial Court.
- iii) The Applicant is directed to attend the concerned Police Station once in a month till conclusion of trial.
- iii) The Applicant is directed to attend all dates of hearing before the Trial Court, unless exempted by specific order.
- iv) Any breach of the aforestated condition shall result forthwith into cancellation of bail.

8. It is made clear that the observations made herein are *prima facie* and are confined to this Application and the learned Trial Judge to decide the case on its own merits, uninfluenced by the observations made herein.

(R. M. JOSHI, J.)