

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 3902 OF 2025

Johan Arif Khan ...Applicant

Versus

The State of Maharashtra ...Respondent

WITH

CRIMINAL BAIL APPLICATION NO. 3799 OF 2025

Vasid Yakub Khatri ...Applicant

Versus

The State of Maharashtra ...Respondent

Mr. Kamlesh M. Satre, for the Applicant in BA No. 3902 of 2025
Mr. Anil G. Lalla a/w Mr. Yash S. Pulekhar i/by Mr. Kamesh Satre,
for the Applicant in BA No. 3799 of 2025
Mr. Mayur Sonawane, APP, for the Respondent - State.
API – Amol Kadam, ANC Worli Unit, Mumbai, is present.

CORAM: R. M. JOSHI, J.

DATED: 27th APRIL, 2026

PC:-

1. Applicants seek bail in connection with Crime No. 6 of 2024 registered with ANC Worli Unit, Mumbai for the offences punishable under Sections 8(c), 22(c) and 29 of the Narcotic Drugs and Psychotropic Substances, Act, 1985 (for short, “NDPS Act”).

2. Learned Counsel for the Applicant submits that Applicants are seeking bail solely on the ground that grounds of arrest were not furnished to the Applicants in writing. It is claimed that Applicants are arrested on 24th February, 2024 and

3rd February 2024 respectively. He drew attention of the Court to the judgment in the case of ***Pankaj Bansal Vs. Union of India and Ors. - (2024) 7 SCC 576*** 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 Purkayastha Vs. State (NCT of Delhi) - (2024) 8 SCC 254*** and ***Vihaan Kumar Vs. State of Haryana and Anr.***

3. Learned APP opposed the application. It is his submission that the grounds of arrest were communicated to the Applicants. He took aid of the judgment of the Hon'ble Supreme Court in the case of ***State of Karnataka Vs. Sri Darshan Etc. - Criminal Appeal nos. 3528 – 3534 of 2025*** dated 14.08.2025, to oppose grant of bail on this ground.

4. In response thereto Learned Counsel for the Applicants 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. in Criminal Appeal No. 4505 of 2025 [@ SLP [CRI.] NO. 198/2025]*** 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 Applicants 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 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 Applicants in writing their arrest is required to be considered as illegal. Hence, following order :-

ORDER

- i) Criminal Bail Application Nos. 3902 of 2025 and 3799 of 2025 stands allowed in connection with Crime No. 6 of 2024 registered with ANC Worli Unit, Mumbai for the offences punishable under Sections 8(c), 22(c) and 29 of the Narcotic Drugs and Psychotropic Substances, Act, 1985.
- ii) The Applicants be enlarged on bail, on furnishing P. R. Bond of Rs.50,000/- with one or two local sureties each in the like amount, to the satisfaction of the Trial Court.
- iii) The Applicants are directed to attend the concerned Police Station once in a month till conclusion of trial.
- iv) The Applicants are directed to attend all dates of hearing before the Trial Court, unless exempted by specific order.

- v) If the Applicants have not deposited his passport, the Applicants shall deposit the same with the concerned Police Station, if any;
- vi) The Applicants shall not leave India, without permission of the Trial Court;
- vii) The Applicants shall not tamper or attempt to influence or contract the complainant, witnesses or any person concerned with the case;
- viii) The Applicants shall inform their latest place of residence and mobile contact number immediately after being released and/ or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;
- ix) Any breach of the aforesaid condition shall result forthwith into cancellation of bail.

8. In view of the above, Application stands allowed and disposed of accordingly.

9. It is clarified that the above observations are made on *prima facie* consideration of the material on record and the same shall not bind the parties during the final hearing of the Trial Case.

(R. M. JOSHI, J.)

VDMokal/-