



CrI.O.P.No.11813 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 25.02.2026
PRONOUNCED ON : 17.03.2026

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

CrI.O.P.No.11813 of 2025

A.Renold

... Petitioner

Vs.

Union, Rep. by
The Intelligence Officer,
DRI, Chennai Zonal Unit,
Chennai – 600 017.
R.R.No.44 of 2024.

... Respondent

PRAYER: Criminal Original Petition is filed under Section 528 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to set aside the order of remand passed as
against the petitioner by the Judicial Magistrate, Ambattur in R.R.No.44 of
2024 dated 31.08.2024.

For Petitioner : Mr.S.Karthikeyan for Mr.M.Yogesh

For Respondent : Mr.N.P.Kumar,
Special Public Prosecutor for DRI Cases



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ORDER

The petitioner/A3 in R.R.No.44 of 2024 arrested by the respondent viz., Intelligence Officer, Directorate of Revenue Intelligence on 30.08.2024 and remanded on 31.08.2024 has filed this Criminal Original Petition seeking to set aside the impugned remand order dated 31.08.2024 in R.R.No.44 of 2024 passed by the learned Judicial Magistrate, Customs Court, Alandur for non-furnishing Grounds of Arrest instead arrest memo only served on the petitioner.

2.Learned counsel for the petitioner submitted that the respondent/Intelligence Officer filed a case in R.R.No.44 of 2024 for offence under Sections 8(C) r/w 21(C), 23(C), 28 & 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 (In short “the NDPS Act”) against the petitioner and five others on the basis of secret information. The respondent/Intelligence Officer on 30.08.2024 arrested the petitioner and arrayed him as A3 based on the confession statement of A4. From the petitioner, no seizure of any contraband made. Added to it, the petitioner was not found in conscious or physical possession of any contraband. Learned counsel further submits that the petitioner or his wife or his Advocate not



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provided with a copy of grounds of arrest. A bail application filed before the lower Court got dismissed, another bail application filed before the High Court which was also dismissed. With regard to non furnishing of grounds of arrest, the same not raised in the bail applications since the grounds of arrest not furnished to the petitioner and memo of arrest not furnished to his wife or any family members. Hence, non furnishing grounds of arrest would vitiate the arrest and subsequent remand as per the dictum of the Hon'ble Apex Court in *Vihaan Kumar v. State of Haryana & Anr.*, reported in *MANU/SC/0161* and *Prabir Purkayastha v. State (NCT of Delhi)* reported in *2024 SCC OnLine SC 934*.

3.He further submitted that as per Section 50 Cr.P.C., (Section 47 of B.N.S.S.), a person arrested to be informed of grounds of arrest and of right to bail. As per Section 50-A Cr.P.C., (Section 48 of B.N.S.S.), obligation of a person making arrest to inform about arrest to a nominated person by the arrested person. Thus, in this case, the arrest and remand of the petitioner is in violation of Article 22 of Constitution of India. In support of his submissions, learned counsel for the petitioner relied on the following decisions:



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1. Vihaan Kumar v. State of Haryana & Anr. reported in MANU/SC/0161/2025.
2. Prabir Purkayastha v. State (NCT of Delhi) reported in 2024 SCC OnLine SC 934.
3. Kasireddy Upender Reddy v. State of Andhra Pradesh and Ors., reported in 2025 SCC OnLine SC 1228.
4. Ashish Kakkar v. UT of Chandigarh reported in 2025 SCC OnLine SC 1318.
5. Ahmed Mansoor & Ors., v. The State, Rep. By, Assistant Commissioner of Police & Anr., reported in 2025 SCC OnLine SC 2650.
6. The State of West Bengal v. Anju Begum & Anr., in Special Leave Petition (Criminal) Diary No.41187 of 2025 dated 25.08.2025.
7. Pankaj Bansal v. Union of India & Ors., reported in 2023 SCC OnLine SC 1244.
8. Babu M. v. State of Kerala, represented by the Secretary to Government and Another reported in 2025 SCC OnLine Ker 2155.
9. Naveen Handa v. Central Bureau Narcotics reported in 2025 SCC OnLine Del 5065.
10. Mukul Rai v. State of Karnataka reported in 2025 Supreme (Online) (Lar) 33510.
11. D.Alexis Sudhakar v. The Inspector of Police, E-1, Mamallapuram Police Station, Chengalpet District in Crl.R.C.No.1392 of 2024 dated 06.08.2025.
12. Ashok Kumar Sharma v. State of Punjab reported in CRM-M-16156-2025 (O&M), dated 12.05.2025.



4.The learned counsel for the petitioner primarily relied on ***Vihaan Kumar*** case and referred to paragraph No.26 and submitted that information about the arrest is completely different from the grounds of arrest. Likewise the grounds of arrest is different from the arrest memo. Mere information of arrest will not amount to furnishing grounds of arrest. When the arrested accused alleges non-compliance with the requirement of Article 22(1), the burden will always be on the Investigating Officer/Agency to prove compliance with the requirement of Article 22(1). In view of the above, the impugned order is liable to be set aside and the petitioner to be released from the prison.

5.Learned Special Public Prosecutor appearing for the respondent/Intelligence Officer filed counter along with decisions and submitted that on specific information that on Viswanathan along with his associates carrying narcotic/psychotropic drugs in white colour Mahindra Bolero car bearing Reg.No.TN55BE5095 from Vysarpadi on Chennai-Trichy Highway, the respondent/Intelligence Officer and officials mounted surveillance and monitored the traffic searching for the said car. At about 20.30 hours, the Officers found one Mahindra Bolero car parked few meters away from the entrance of SRM Medical College Hospital and Research



Centre, Potheri. The vehicle was intercepted and found one person sitting in the driver seat and two persons in the rear. They were enquired and found that Raghupathi, Viswanathan and Dhanasekaran were in the car. On enquiry, it was found that all the three persons were carrying 10 packets of ICE (crystal methamphetamine) and they disclosed that the said consignment received from one N.Suresh as arranged by A.Renold of Vyasarpadi, the petitioner herein at the behest of one Vijayakumar. Thereafter, the said N.Suresh handed over 10 packets of ICE. On further enquiry of whereabouts of Vijayakumar found, Viswanathan informed Vijayakumar was residing in Coimbatore. Thereafter, the white colour Mahindra Bolero car, 10 silver colour aluminum foil packets containing contraband and one Nokia phone seized. During investigation, the petitioner's role was revealed. The petitioner, who found in Lakshmi Lodge, Egmore, was brought to the respondent's Office. The petitioner admitted that he was involved in smuggling of methamphetamine and arranged the same for Viswanathan from N.Suresh as per the instruction of Vijayakumar. He further admitted that he received commission amount of Rs.23,97,500/- in this transaction. From the petitioner, three mobile phones seized, the statement under Section 67 of NDPS Act recorded on 30.08.2024. In this case, apart from the contraband, huge cash of Rs.52,00,000/-, vehicles and mobile phones seized. The total seizure is to the tune of 10,130 grams of white colour



crystalline substance which tested positive for methamphetamine. Thereafter, the petitioner arrested on 30.08.2024 in the above case for commission of offence under Sections 21(C), 23(C), 28 and 29 of NDPS Act. After arrest, the petitioner informed about the grounds of arrest. Though the grounds of arrest was titled as Arrest Memo, on plain reading of the Arrest Memo will reveal that it contains all necessary details such as name of the arrested person, his permanent address, under what investigation number and Section he was arrested, place, date, time and name of arresting officer with complete details and the reason of belief and petitioner's involvement recorded. Though it is termed as Arrest Memo, it is nothing but grounds of arrest. Added to it, the petitioner called his wife Vidhya from his mobile phone and the reason for arrest informed. Further it is recorded in the Arrest Memo that "*The arrested person A.Renold has been communicated with the grounds of his arrest. He has been informed of his right to inform the arrest to a relative/friend/any other person. Accordingly, he has informed about his arrest to his wife Smt.Vidhya over phone (7708923932).*". A copy also served to the petitioner. These facts not disputed by the petitioner. The petitioner's only contention is that since it is titled as Arrest Memo, the grounds of arrest nor furnished. Apart from the above, as an abundant caution, the arrest of the petitioner intimated to petitioner's wife by way of a letter sent through post on



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31.08.2024.

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6.It is further submitted that after the arrest, the petitioner produced before the learned Judicial Magistrate, Customs Court, Alandur on 31.08.2024. In the remand order, it is recorded that “*grounds of arrest explained and arrest memo perused. Checklist perused. Free legal aid explained.*” There is no complaint by the petitioner at the time of arrest or remand for non furnishing of grounds of arrest and also no complaint that the petitioner was not aware about the ground and for what reason, he was arrested and there is no complaint of any illegal detention or ill-treatment.

7.He further submitted that the bail application filed by the petitioner before the Lower Court on 03.10.2024 dismissed, thereafter, he filed a bail application before this Court in Crl.O.P.No.28878 of 2024 on 14.11.2024. In both applications, no grounds raised for non furnishing grounds of arrest. At the cost of repetition, the learned Special Public Prosecutor submitted that a perusal of the arrest memo would clearly show that it is nothing but the grounds of arrest containing all details, hence, no prejudice caused or any violation.



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8. In support of his submissions, learned Special Public Prosecutor relied on the order passed by this Court in Crl.O.P.No.5321 of 2025 dated 26.02.2025 wherein on similar circumstances this Court recorded that the arrest memo was served and the reasons for arrest duly explained to the arrestee therein, and the same was also recorded by the remanding Magistrate. Hence, the claim of the petitioner therein that the conditions stipulated in *Vihaan Kumar* case not followed, is not accepted and dismissed the petition. He placed reliance on the decision of the High Court of Tripura in *Saha Alam and anr., v. The State of Tripura* reported in *2026 SCC OnLine Tri 28* wherein it had held that grounds of arrest must be communicated in writing to the arrestee in the language he/she understands and finding that the arrest properly informed and also arresting authority informed the arrestee therein in Hindi and Bengali language and the information recorded is sufficient to enable the accused person to understand the reasons of the arrest in connection with the said case and to take a defence accordingly, the High Court of Tripura rejected the bail application of the accused therein. In view of the above, there is no violation of Article 22(1) of Constitution of India. Hence, the petitioner's contention to be rejected and this petition is to be dismissed.



9.Considering the submissions and on perusal of the materials, it is seen that the petitioner's statement under Section 67 of NDPS Act recorded on 30.08.2024, thereafter, he was arrested at about 23.40 hours on the same day. Prior to his arrest, arrest memo served on the petitioner on the same day and he on his own hand acknowledged the same and written as “vdJ ifJ fhuzj;ij mjpgfhhp vdf;F tpsf;fp Twpdhh;fs; mij ehd; g[hpe;J bfhz;nld; vdJ ifJ tpguj;ija[k; fhuzj;ija[k; vdJ kidtp jpUkjp/tpj;ahtplk; miyngrpapy; bjhptpj;njd; (7708923932)”. Further the Intelligence Officer in the Arrest Memo recorded that *“The arrested person A.Renold has been communicated with the grounds of his arrest. He has been informed of his right to inform the arrest to a relative/friend/any other person. Accordingly, he has informed about his arrest to his wife Smt.Vidhya over phone (7708923932).”* With these particulars, the arrest memo received by the petitioner on 31.08.2024. Following the same, the petitioner produced for remand on 31.08.2024 at about 06.30 p.m. along with other five accused, thereafter, remanded to judicial custody.

10.On perusal of the Arrest Memo, it appears that it is wrongly titled as Arrest Memo instead of Grounds of Arrest. The particulars with regard to the case; reason to believe the petitioner contravening the provisions of NDPS



Act; under what Section the petitioner arrested; the details of contraband and place of seizure of contraband all recorded in the Arrest Memo. Further the grounds of arrest explained to the petitioner in Tamil. The Intelligence Officer informed the petitioner the reason of his arrest, the petitioner understood the same and the details of his arrest informed by the petitioner through mobile phone to his wife Vidhya. Further the said Vidhya, wife of the petitioner informed about the Grounds of Arrest which was followed by a postal communication on the same day.

11.The Hon'ble Apex Court in the case of *Vihaan Kumar* referring to Article 22(1) and Section 50 Cr.P.C. (Section 47 of B.N.S.S.) held that the copy of written Grounds of Arrest should be furnished, arrested person to know why he is arrested and to enable such person to seek legal counsel. The grounds of arrest should be in writing which means sufficient knowledge of the basic facts constituting the “grounds” should be imparted effectively and fully to the detenu in writing in a language which he understands. In sum and substance, the direction is that the Grounds of Arrest should be provided in writing in compliance to Article 22(1). Hence, the Apex Court came to a conclusion that the Grounds of Arrest is mandatory requirement is that the information of the grounds of arrest must be provided to the arrested person in



such a manner that sufficient knowledge of the basic facts constituting the grounds is imparted and communicated to the arrested person effectively in the language which he understands. When arrested defence alleges non-compliance with the requirements of Article 22(1), the burden will always be on the Investigating Officer/Agency to prove compliance with the requirements of Article 22(1). Non-compliance with Article 22(1) will be a violation of the fundamental rights of the accused guaranteed under the Constitution. Hence, further orders passed by a criminal court of remand are also vitiated. When an arrested person is produced before a Judicial Magistrate for remand, it is the duty of the Magistrate to ascertain whether compliance with Article 22(1) and other mandatory safeguards followed. When a violation of Article 22(1) is established, it is the duty of the court to forthwith order the release of the accused. In this case, as discussed above, except for the nomenclature of the arrest memo, in all sense, the Grounds of Arrest provided contains all details in written form in the language understood by the petitioner.

12. On perusal of the arrest memo, it is clear that it is nothing but the grounds of arrest which was explained to the petitioner who acknowledged the same in Tamil, informed his wife Vidhya about his arrest through mobile



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phone and the reason therefor and signed the same, thereafter, the petitioner produced before the Magistrate Court for remand. Thus, the prosecution shifted the burden cast upon it. Added to it, the arrest of the petitioner intimated to petitioner's wife by way of a letter through post on 31.08.2024.

13.The remanding Magistrate in the impugned order recorded that “*Grounds of arrest explained and arrest memo perused. Checklist perused. Free legal aid explained.*”, thereafter only the petitioner remanded along with other accused. In the impugned remand order, all requisite details clearly recorded. At the time of remand or after the remand, there was no complaint or objection with regard to non furnishing the grounds of arrest. After the remand, bail applications filed before the Lower Court and before this Court both dismissed. After one year, the impugned remand order is challenged now.

14.In view of the above, this Court finds that there is no breach or violation of Article 22(1) of Constitution of India. Accordingly, this Court is not inclined to interfere with the impugned remand order dated 31.08.2024 in R.R.No.44 of 2024 passed by the learned Judicial Magistrate, Customs Court, Alandur.



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15. In the result, this Criminal Original Petition stands dismissed.

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Speaking order/Non-speaking order

Index: Yes/No

Neutral Citation: Yes/No

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To

1. The Judicial Magistrate,
Customs Court, Alandur.
2. The Intelligence Officer,
DRI, Chennai Zonal Unit,
Chennai – 600 017.
3. The Special Public Prosecutor for DRI Cases,
High Court, Madras.



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M.NIRMAL KUMAR, J.

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PRE-DELIVERY ORDER IN
CrI.O.P.No.11813 of 2025

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