



CRL OP(MD). No.10690 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 02/07/2026

PRESENT

The HONOURABLE **MR. JUSTICE K. RAJASEKAR**

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Kamesh @ Kamalesh,,
S/o.Selvaraj,
No. Vellaiyarvadi,
Vedhalai,
Mandapam..

... Petitioners/A1

Vs

State of Tamilnadu Rep by,
The Deputy Superintendent of Police,
NIB-CID, Ramanathapuram District.
Crime No.07/2025..

... Respondent/Complainant

For Petitioner : Mr.Subburaj.K,
Advocate.

For Respondent : Mr.T.Lenin Kumar,
Counsel for State of TN (Crl. Side)

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

C-32B. To enlarge on bail in C.C. No. 308 of 2025 in Crime NO.7 of 2025 on the file of the Learned Additional District and Sessions Judge Special Court under EC and NDPS Act cases at Pudukottai.



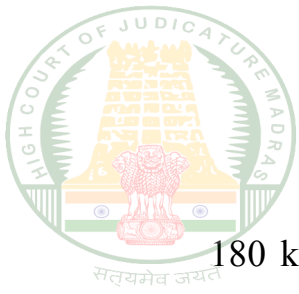
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ORDER : The Court made the following order :-

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The petitioner/A1, who was arrested and remanded to judicial custody on 10.05.2025 for the alleged offence under Sections **8(c) r/w 20(b)(ii)(C) and 29(1) of NDPS Act, 1985**, in C.C.No.308 of 2025 on the file of the Learned Additional District and Sessions Judge Special Court under EC and NDPS Act cases at Pudukottai in connection with the Crime No.7 of 2025 on the file of the respondent police, seeks bail.

2. The allegation in the complaint is that based on discrete information, the Inspector Central Intelligence Unit, Chennai and her team conducted a raid at north seashore of Vethalai village on 09.05.2025 at about 00.40 hours, where they identified three persons namely A1/Kamesh, A2/Sathishwaran, A3/Vinoth Kannan, and the Inspector of Police, Central Intelligence Unit introduced themselves and after completed all the formalities, obtained consent letter and searched the accused persons, during the enquiry, the accused persons identified the 7 gunny bags which were buried in the seashore. Further, on search came to know that all the gunny bags contained 88 parcels and totally



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180 kgs of Ganja available in the parcels. Further, after completing all the formalities, the Inspector of Police, Central Intelligence Unit, Chennai, registered the case, arrested the accused persons and seized the contraband.

3. The learned counsel appearing for the petitioner submitted that the petitioner by relying on the judgment of **MIHIR RAJESH SHAH and STATE OF MAHARASHTRA**, reported in [2025 INSC 1288] contended that the submitted that no grounds of arrest was served on him and it is a mandatory requirement. He further submitted that even admitted that the respondent has served arrest memo on 10.05.2025 to the petitioner herein, and it is not complied requisite information for satisfying the grounds of arrest and he further relied on the **Vihaan Kumar Vs.State of Haryana** to submit that the grounds of arrest or arrest memo supplied must contain all necessary particulars for the purpose of enabling the arrestee to oppose the remand at the time of his production before the Magistrate and further it enabling him necessary information to approach the Trial Court for appropriate relief. Hence, he prays to grant bail to the petitioner.



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4.The learned counsel for the State of TN (Criminal Side) appearing for the respondent police reiterated the prosecution case and reported that they have served the grounds of arrest in compliance with Section 52(1) of the NDPS Act. It is stating that the basic facts are required for the purpose of enabling the petitioner to understand the case against him and enabling him to defend his case at the time of remand. Hence, there is no violation of mandatory provisions and the same has been properly complied with. Hence, he opposed granting bail to the petitioner.

5.This Court also dealt with a similar situation in CrI.O.P. (MD).No.2660 of 2026, vide order dated 27.02.2026 and considered the principles laid down by the Apex Court in the case of ***Vihaan Kumar vs. State of Haryana and another [2025 INSC 162]*** and ***Mihir Rajesh Shah Vs. State of Maharashtra @ Another reported in (2026) 1 SCC 500*** and granted bail to the accused.

6.In this case, the document relied on by the respondent for compliance of Section 51(2) of NDPS Act as follows:





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WEB COPY 7 In this case, on perusal of the intimation regarding the grounds of arrest issued to the petitioner herein by the officer shows that, the petitioner herein was arrested for illegal possession of Ganja. Though the learned Counsel for State of TN (Crl. Side) argued that the information regarding the grounds of arrest contains every information for the arrest of the petitioner herein. From the outside view, it might look like the arrest intimation notice gives the place of seizure, dates on which the seizure was effected and the overtacts attributed against the petitioner, etc., but the closer scrutiny of the same reveals it does not contain basic facts, which is necessary for the petitioner to defend himself from the allegations levelled at the time of exercising his right of seeking bail. It is to be noted that the petitioner herein was arrested based on series of events and it is stated that prior to search and seizure, the prior information was received, which was recorded by the Search Officer; that after intimating to the petitioner, the search was conducted, the contraband was seized under the seizure mahazar in the presence of witnesses, statement was recorded from the accused and he was placed under arrest, etc., but none of the facts stated were served on the



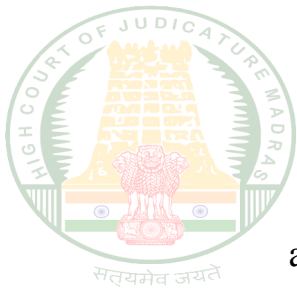
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petitioner herein.

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8.It is alleged by the petitioner that he has been prevented from approaching the Court seeking bail and to effectively argue the cases on merits, since grounds of arrest has not been properly served on him. I am of the view that the petitioner herein demonstrated that, he suffered prejudice by denial of fair opportunity to defend himself. Since, there was no proper compliance of informing the grounds of arrest to the petitioner herein and it resulted in causing prejudice to his interest in defending the case and prevented him from filing the bail petition and effectively submit his side case on merits, it is clear violation of Article 22(1) and which resulted in custody of the petitioner rendered illegal, hence this Court is inclined to grant bail to the petitioner with certain conditions.

[a] Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties, for a like sum to the satisfaction of the Learned Additional District



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and Sessions Judge Special Court under EC and NDPS Act cases at Pudukottai, and on further conditions that:-

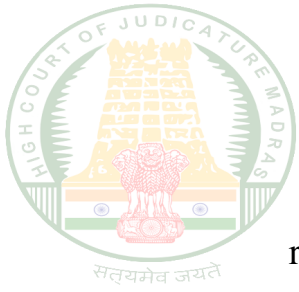
[b] the petitioner shall report before the trial Court on all working days daily at 10.30 a.m., for a period of four weeks:

[c] the petitioner shall not commit any offence similar to the offence of which he/she is accused, or suspected, or of the commission of which he/she is suspected;

[d] the petitioner shall not abscond either during investigation or trial;

[e] the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade her from disclosing such facts to the Court or to any police officer or tamper with the evidence;

[f] On breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner



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released on bail by the learned Magistrate/Trial Court himself
as laid down by the Hon'ble Supreme Court in P.K.Shaji vs.
State of Kerala [(2005)AIR SCW 5560].

[g] If the accused thereafter absconds, a fresh FIR can
be registered under Section 269 BNS.

(K R S J)
02.07.2026
2/2

VSG

TO

- 1.The Learned Additional District and Sessions Judge Special Court under EC and NDPS Act cases at Pudukottai.
2. The Superintendent, Central Prison, Pudukkottai.
- 3.The Deputy Superintendent of Police,
NIB-CID, Ramanathapuram District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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K. RAJASEKAR,J.,

vsg

ORDER
IN
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