

**IN THE COURT OF THE ADDITIONAL DISTRICT & SESSIONS JUDGE – I,
N. PARAVUR**

Present:- Sri. Jayaraj M.P., Additional District & Sessions Judge – I
Tuesday, the 11th day of November, 2025/ 21st Karthika, 1947.

Crl. M.P. No.2737/2025 in S.C.No.468/2025

Petitioner/Accused No.1:-

Vinu T.S., S/o.Sudhakaran, aged 39 years, Thachamkulam House, Kotatty P.O., Thrissur District, now residing at Kuruthukullam House, Manjapetty, Marampilly P.O., Ernakulam District, Pin – 683 105.

By Advs. Subin K.Sudheer & Shibas Ibrahim

Respondent/Complainant & State:-

State of Kerala, represented by the Station House Officer, Angamali Police Station.

By Adv. Hari N.K., Addl. Public Prosecutor,
N. Paravur.

This petition filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita to release the petitioner/accused No.1 on bail.

This Petition coming on for hearing before me on 10.11.2025 and the court on 11.11.2025 passed the following:-

ORDER

Application for bail filed under Section 483 of BNSS.

2 Petitioner is A1 in S.C. No.468/2025 on the file of this court arising out of Crime No.2264/2024 of Angamaly Police Station. The

offences alleged are punishable under Sections 22(c) and 29 of Narcotic Drugs and Psychotropic Substances Act (Hereinafter referred as NDPS Act).

3 The prosecution case is that in pursuance of the criminal conspiracy among the accused, A1 to A3 transported 328 grams of MDMA and 8.4 grams of MDMA pills in Mahindra Bolero jeep bearing No.KL-67/D-6179 from Bengaluru to Kerala, they were intercepted at Angamaly TB signal junction at 4.30 PM on 18.10.2024 and they were arrested with the contraband articles. Petitioner is in judicial custody.

4 Notice given to Public Prosecutor.

5 Objection filed.

6 Heard both sides.

7 The following grounds are raised in this petition:

1 The grounds of arrest were not communicated to the petitioner.

2 There is non-compliance of Article 22(1) of Constitution of India.

3 Investigation is completed and final report filed.

4 Petitioner has been in judicial custody since 18.10.2024.

8 Learned counsel for the petitioner submitted that ground of arrest were not communicated to the petitioner and he is entitled to bail. Learned public prosecutor opposed the bail application. However, he fairly submitted that there is no proper communication of grounds of arrest in this case.

9 Investigation in this case is over and final report is filed. There are materials to prima facie make out the offences alleged against the petitioner. There is allegation that a part of the contraband article was recovered from petitioner's purse. The materials allegedly collected against him during detection of the crime and investigation, attracts the rigour of Section 37 of NDPS Act.

10 The arrest memo produced in this case does not show the grounds of arrest so that the petitioner could understand the allegations against him and he can file a bail application in time. Moreover, the arrest memo is prepared in English and it is not clear whether the petitioner can read and understand the arrest memo prepared in English. A2 and A3 were granted bail on the above ground.

11 It was held by the Hon'ble Supreme Court in **Mihir Rajesh Shah vs The State of Maharashtra (2025 KHC online 6915)** as follows:

“ 56. In conclusion, it is held that:

i) The constitutional mandate of informing the arrestee the grounds of arrest is mandatory in all Criminal Appeal No. 2195 of 2025 Page 48 of 52 offences under all statutes including offences under IPC 1860 (now BNS 2023);

ii) The grounds of arrest must be communicated in writing to the arrestee in the language he/she understands;

iii) In case(s) where, the arresting officer/person is unable to communicate the grounds of arrest in writing on or soon after arrest, it be so done orally.

The said grounds be communicated in writing within a reasonable time and in any case at least two hours prior to production of the arrestee for remand proceedings before the magistrate.

iv) In case of non-compliance of the above, the arrest and subsequent remand would be rendered illegal and the person

will be at liberty to be set free.

12 In this case, the grounds of arrest were not communicated to the petitioner on his arrest. The arrest memo is not in the language known to the petitioner also. Therefore, the petitioner is entitled to be released.

13 For the above reasons, petitioner is entitled to immediate release from custody.

14 Hence issue order to release the petitioner forthwith. Investigating officer can arrest the petitioner complying with Article 22(1) of the Constitution of India and Section 47 of BNSS, as held in Babu Vs. State of Kerala (2025 (2) KLT 817).

Dictated to the Confidential Assistant, transcribed and typed by her, corrected by me and pronounced in open Court, on this the 11th day of November, 2025.

Jayaraj M.P.
Additional Sessions Judge – I

Appendix:- Nil.

Additional Sessions Judge-I

Typed by : Siji
Comp. By : Vijitha

Crl. M.P. No.2737/2025 in

S.C.No.468/2025

Order dated: 11.11.2025