

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

Present:- Sri. Jayaraj M.P., Additional District & Sessions Judge – I

Monday, the 18th day of May, 2026/ 28th Vaisakha, 1948.

Crl. M.P. No.6/2026 in S.C.No.266/2026

Petitioner/Accused No.2:-

Anijithkumar, aged 25, S/o.Udayakumar, Pemalamukalil House, Athirampuzha, Athirampuzha P.O., Kottayam District, Pin – 686 562.

By Advs. Mohamed Sabah & Safdarsha T.I.

Respondents/State & Complainant:-

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

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

This petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita to enlarge the petitioner on regular bail.

This Petition coming on for hearing before me on 16.05.2026 and the court on 18.05.2026 passed the following:-

ORDER

Petition filed under Section 483 of BNSS.

2. Petitioner is A2 in S.C. No.266/2026 on the file of this Court, arising out of Crime No.1751/2025 of Angamaly police station. Offences alleged are punishable under Sections 22(c) and 29 of NDPS Act.

3. The allegation is that on 30.08.2025 at 8.20 AM at TB junction, A1 and A2 were found to have possessed and transported 191.78 grams of MDMA in car bearing registration No.KL-40/P-1666, which was transported from Bengaluru, in pursuance of criminal conspiracy between the accused. Petitioner was arrested on 30.08.2025 and is in judicial custody.

4. Notice given to the Public Prosecutor.

5. Report filed.

6. The following grounds are raised in this petition:

(1) Petitioner is innocent.

(2) There is violation of Article 22(1) of Constitution of India and Section 48 of BNSS.

(3) Petitioner is in custody from 30.08.2025 onwards.

7. Heard both sides.

8. According to the petitioner, he was not informed of grounds of arrest and there is no proper arrest intimation given. The arrest memo prepared by the detection officer shows only the penal provisions and there is no other material to show other details of the offences alleged

against the petitioner. There is separate memo showing grounds and reasons for arrest, prepared by the detection officer. Said document shows the brief facts of the case. Said document further shows that it was served on one Nandakumar S/o Udayakumar. Prosecution has also produced copy of arrest intimation given after the petitioner's arrest. The above said documents show that arrest intimation and grounds of arrest were communicated to the above said Nandakumar.

9. Prosecution has not furnished any material to show that grounds of arrest were communicated to the petitioner. Learned Public Prosecutor has not pointed out any document or material to show that grounds of arrest were communicated to the petitioner, apart from raising the objection that petitioner has criminal antecedents. Violation of article 22(1) of Constitution of India entitles the petitioner to bail, as held by the Hon'ble Supreme Court in **Rajinder Rajan (Dr.) v. Union of India (2026 KHC OnLine 7170)** wherein it was directed as follows :-

“22. On going through the arrest memo, we find that it has been prepared in a template format and contains a statement to the effect that the arresting officer had

explained the grounds of arrest to the accused before the arrest. Thus, the arrest memo, by itself, reflects that the grounds of arrest had been orally explained to the accused before the process of formal arrest was undertaken. Consequently, it was incumbent upon the arresting officer to have supplied the memo of grounds of arrest in writing to the accused two hours prior to producing them before the Magistrate as per the mandate of Mihir Rajesh Shah (supra) which apparently has not been followed in this case.

23. In the wake of the above discussion, we are of the firm view that the appellants are entitled to be released from custody by giving them the benefit of the ratio laid down in Mihir Rajesh Shah (supra). Accordingly, it is hereby directed that the appellants shall be released on bail forthwith, subject to furnishing bail bonds to the satisfaction of the trial Court and such other conditions as it may deem fit to impose”.

10. It was held by Hon'ble High Court of Kerala in **Shanwin Shaji**

v. State of Kerala (2026 KHC OnLine 1723) as follows :

“7. It is now well settled that the requirement of informing a person of the grounds for arrest is a mandatory requirement of Art.22(1) of the Constitution and S.47 of BNSS, and absence of the same would render the arrest illegal (See. Pankaj Bansal v. Union of India and Others ((2024) 7 SCC 576), Prabir Purkayastha v. State (NCT of Delhi) ((2024) 8 SCC 254), Vihaan Kumar v. State of Haryana and Others (2025 SCC OnLine SC 269) and Mihir Rajesh Shah (supra). The Supreme Court in Kasireddy Upender Reddy (supra) has held that the grounds of arrest should not only be provided to the arrestee but also to his family members and relatives so that necessary arrangements are made to secure the release of the person arrested at the earliest possible opportunity so as to make the mandate of Art.22(1) meaningful and effective, failing which, such arrest would be rendered illegal. A learned Single Judge of this

Court in Alvin Riby v. State of Kerala (2025 KER 67079) following Kasireddy Upender Reddy (supra) held that failure to communicate the grounds of arrest to the near relatives renders the arrest illegal”.

As the grounds of arrest were not communicated to the petitioner, petitioner is entitled to bail following the above said judgments.

11. Hence the petitioner is granted bail on the following conditions:

- 1) Petitioner shall execute bond for ₹1,00,000/- (Rupees One lakh only) with two solvent sureties each for the like sum.
- 2) The petitioner shall not be involve in any other crime while on bail.
- 3) The petitioner shall surrender his passport, if any, within seven days from the date of his release before the Court concerned. If he has no passport, he shall file an affidavit to that effect before the court concerned on the date of execution of the bond or within three days thereafter.

- 4) The petitioner shall furnish his present address along with the mobile phone number.
- 5) If any of the condition is violated, bail granted is liable to be cancelled.

Dictated to the Confidential Assistant, transcribed and typed by her, corrected by me and pronounced in open Court, on this the 18th day of May, 2026.

Sd/-
Jayaraj M.P.
Additional Sessions Judge – I

Appendix:- Nil.

Sd/-
Additional Sessions Judge – I

Typed by : Siji
Comp. By : Vijitha

Crl. M.P. No.6/2026 in

S.C.No.266/2026

Order dated: 18.05.2026.