

HIGH COURT FOR THE STATE OF TELANGANA :
HYDERABAD

MAIN CASE NO: W.P.No.21525 of 2026

PROCEEDING SHEET

SL. NO.	DATE	ORDER	OFFICE NOTE
03.	14.07.2026	<u>TMD, J</u> <u>W.P.No.21525 of 2026</u> Notice before admission. Learned Government Pleader for Home takes notice on behalf of the respondents and waives further notice and seeks time to file counter. Learned counsel for the petitioner, however, insisted that the petitioner should be set at large with immediate effect in view of the judgment of the Hon'ble Supreme Court in the case of Mihir Rajesh Shah Vs. State of Maharashtra and another reported in 2025 SCC OnLine SC 2356. It is submitted that on a complaint lodged by one Mohammed Shanawaz Khan, a crime in FIR No.99 of 2026 was registered at Central Crime Station, Hyderabad District on 15.05.2026 and two persons by name Imran and Shahid, A1 and A2, were arrested by	Transferred to I-Order folder <i>Contd..2.</i>

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		the investigating agency. It is stated that on 22.05.2026, the petitioner was scheduled to travel to Kuala Lumpur, Malaysia to attend a pre-arranged business meeting and the petitioner was in the Indira Gandhi International Airport at New Delhi and based on the Look Out Circular (LOC), he was detained at approximately midnight. It is stated that prior to issuance of LOC, the petitioner has not received any information from the investigation authorities, but on 23.05.2026, Hyderabad police arrested the petitioner at around 11.30 AM, but did not furnish grounds of arrest to him and he was sent to medical examination at Safdarjung Hospital on 23.05.2026 at 3.15 PM and the medical examination was conducted at 3.30 PM and thereafter, at 4.00 PM, the petitioner was produced before the ACJM-02, Patiala House Courts, New Delhi and hearing of the transit remand proceedings commenced before ACJM-2, Patiala House District Court, New Delhi and on the direction from the ACJM-2, Patiala House Courts, New Delhi, the grounds of arrest were furnished to the petitioner in the Court premises immediately on commencement of the	<i>Contd..3.</i>

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		proceedings under endorsement by the Investigating Officer, CCS, DD, Hyderabad. It is stated that the transit warrant proceedings were concluded at 4.30 pm and the order of transit remand was passed and a copy of the FIR was supplied to the petitioner only after pronouncement of the remand order. It is submitted that the petitioner was produced before the Magistrate at Nampally, Hyderabad on 25.05.2026 and was remanded to judicial custody till 08.06.2026. It is submitted that the petitioner's Delhi-based counsel was denied permission to appear virtually and therefore, a local counsel was engaged. It is submitted that the petitioner has raised the ground of validity of the arrest before the ACJM-02, Patiala House Courts, New Delhi for non-furnishing of grounds of arrest as required under Section 47 of BNSS, but the same was not adjudicated as it was only a transit Court and liberty was given to the petitioner to challenge the validity of the arrest before Courts at Hyderabad. It is submitted that the learned Magistrate at Hyderabad passed a mechanical order recording that the police have complied with the provisions of Sections 47, 48	<i>Contd..4.</i>

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		and 53 of BNSS without addressing the constitutional infirmities and without looking into the records pertaining to the transit remand. It is submitted that the petitioner has filed a bail application on 27.05.2026 which was registered as CrI.M.P. (Bail) No.2501 of 2026 before the Court of Sessions Judge, Nampally, Hyderabad and the same was adjourned from time to time till 19.06.2026 when the bail application was dismissed without addressing the petitioner's illegal detention or the admitted violations of Article 22 of the Constitution of India. It is stated that the Sessions Judge entirely overlooked the binding directions of the Hon'ble Supreme Court in the case of Mihir Rajesh Shah Vs. State of Maharashtra and another reported in 2025 SCC OnLine SC 2356 and therefore, the petitioner was constrained to file this Writ Petition for violation of his fundamental rights under Article 22 of the Constitution of India. At the admission stage, the sole argument advanced by the learned counsel for the petitioner before this Court is that the police have not followed the directions/ binding mandate of the Hon'ble Supreme Court of India in the case of	<i>Contd..5.</i>

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		Mihir Rajesh Shah Vs. State of Maharashtra and another reported in 2025 SCC OnLine SC 2356 in supplying/communicating the written grounds of arrest to the petitioner before two hours of remand and therefore, the arrest and the remand have to be held as void <i>ab initio</i> and the petitioner has to be set at large immediately. Learned Government Pleader for Home, however, submitted that the respondents had sought to serve the grounds of arrest to the petitioner on 23.05.2026 after arrest, however, the petitioner has refused to receive the same except in the presence of his lawyer and therefore, the same was served on the petitioner at the time of remand before the transit Court and therefore, there is compliance with the directions of the Hon'ble Supreme Court. The learned Government Pleader for Home has filed written instructions received by him in this regard along with a chronology of events (minute to minute), i.e., from the time of arrest of the petitioner on 23.05.2026 at New Delhi till they left to Hyderabad on 23.05.2026 by flight. Along with the written statement are enclosed (i) the notice under Section 47 of BNSS; and (ii) intimation	<i>Contd..6.</i>

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		under Section 48 of BNSS and screenshot of the mobile phone as proof of sending the intimation under Section 48 of BNSS by WhatsApp to the petitioner's friend by name Mrityunjay Singh at 1.56 PM and also that the said friend also received the physical copy of the said notice at 3.40 PM as is evident from the endorsement on the notice. This Court finds that the notice under Section 47 of BNSS as well as arrest intimation under Section 48 of BNSS, both contain the information about the arrest of the petitioner in connection with Crime No.99 of 2026 under Sections 316(5), 318(4) read with Sections 3(5) and 61(2) of BNS and Section 5 of the Telangana Protection of Depositors of Financial Establishment Act, 1999, CCS, DD, Hyderabad. The communication of intimation under Section 48 of the BNSS to the friend of the petitioner through WhatsApp at 1.56 PM and later physically at 3.40 PM has not been disclosed by the petitioner in his Writ Petition. In fact, learned counsel for the petitioner had drawn the attention of this Court to the order of the transit remand, wherein the accused had submitted his	<i>Contd..7.</i>

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		willingness to be produced before the learned Sessions Court at Nampally, Hyderabad and had no objection to the allowing of the application, but he had reserved his right to apply for bail before the concerned Judicial Court including his right to challenge the legality of the arrest. He has also drawn the attention of this Court to the copy of the FIR and the endorsement and signature of the petitioner therein having received the same on 23.05.2026 at 5.10 PM and also the request of the respondents for grant of transit warrant at 4.00 PM on 23.05.2026. Therefore, it is submitted that the copy of the FIR and the grounds of arrest were not served on the petitioner before the remand. However, when the respondent police have issued intimation under Section 48 of BNSS to the friend of the petitioner through WhatsApp, nothing prevented them from issuing the notice under Section 47 as well. The Bharatiya Nagarik Suraksha Sanhita, 2023 has not prescribed any proforma of notice under Section 47 or under Section 48. While Section 47 requires grounds of arrest to be intimated to the detenu, Section 48 requires intimation to the family members or the	<i>Contd..8.</i>

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		friends of the detenu. The Hon'ble Supreme Court in the case of Prabir Purkayastha Vs. State (Nct of Delhi) dt.15.05.2024 (Criminal Appeal No(s). of 2024 arising out of SLP(Crl.) No(s). of 2024 (D.No.42896 of 2023) has considered the contents of the notice issued to the arrestee about the reasons for arrest as being general in nature and in para 38 of its order, the Hon'ble Apex Court reproduced the reasons given for arrest therein and since they were general in nature, it was held that the grounds of arrest as conveyed to the Advocate do not indicate any particular incident or event which gave rise to the alleged offences. But, the same is not the situation in this case. The intimation of arrest contains the details of the crime number, the police station as well as sections under which the offences are registered. Therefore, this Court is of the <i>prima facie</i> opinion that there is intimation of grounds of arrest to the friend of the petitioner and there is no reason to believe that the same would not have been intimated to the petitioner and the respondent police have stated that the petitioner has refused to receive the grounds except in the presence of his advocate	<i>Contd..9.</i>

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		who arrived at the Court at 4.00 PM and the grounds of arrest have been intimated at the relevant point of time. However, some credence has to be given to the contentions of the petitioner as well, because the respondent police have not informed the Court at Delhi that the petitioner has refused to receive the notice under Section 47 of BNSS. The requirement of law is that the notice under Section 47 of BNSS has to be issued to the arrestee and intimation under Section 48 of BNSS has to be issued to the friend or family member in order to enable proper assistance to the petitioner before the remand proceedings. Since factum of service of notice under Section 47 of BNSS is disputed, this Court is of the opinion that the same cannot be decided at this preliminary stage and the respondents have to be given opportunity to file a counter affidavit in respect of the same. As per the chronology of events mentioned by the petitioner, this ground has been taken by the petitioner before the Sessions Court at the time of bail application, but the Sessions Court has observed that the same will be decided at the time of trial and not at the stage of bail	<i>Contd..10.</i>

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		application. The petitioner has been in judicial custody since 25.05.2026 and police custody was also given from 08.06.2026 to 11.06.2026 and therefore, it appears that the investigation of the petitioner is already done by the police. Since there is a dispute with regard to the service of grounds of arrest on the petitioner, this Court is inclined to grant interim relief to the petitioner on certain terms. The petitioner shall be released on bail subject to fulfilling the following conditions: (i) The petitioner shall execute a personal bond for a sum of Rs.1,00,000/- (Rupees one lakh only) to the satisfaction of the trial Court, i.e., XII Additional Chief Judicial Magistrate at Nampally, Hyderabad; (ii) Also, the petitioner shall furnish two sureties for a sum of Rs.1,00,000/- (Rupees one lakh only) each and such sureties shall furnish immovable property security, which is situated in the State of Telangana, for the said sum to the satisfaction of the trial Court, i.e.,	<i>Contd..11.</i>

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		XII Additional Chief Judicial Magistrate at Nampally, Hyderabad; (iii) Also, the petitioner shall surrender his passport before the trial Court, i.e., XII Additional Chief Judicial Magistrate at Nampally, Hyderabad; (iv) The petitioner shall not leave the city of Hyderabad without the permission of the trial Court and shall appear before the police as and when required by them. (v) The petitioner shall cooperate with the investigation. (vi) The petitioner shall not influence or attempt to influence other witnesses in this case. List this matter on 04.08.2026 for counter-affidavit of the respondents. _____ TMD, J Svv	

